

2025 Regular Session

HOUSE BILL NO. 289

BY REPRESENTATIVES CARRIER AND ROMERO

1 AN ACT

2 To amend and reenact R.S. 9:2800.60 and R.S. 40:1799, relative to civil liability for firearm
3 and ammunition manufacturers and distributors; to extend liability protections; to
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2800.60 is hereby amended and reenacted to read as follows:

7 §2800.60. Liability of manufacturers and sellers of firearms

8 A. The legislature finds and declares that the Louisiana Products Liability
9 Act was not designed to impose liability on a manufacturer or seller for the improper
10 use of a properly designed and manufactured product. The legislature further finds
11 and declares that the manufacture and sale of firearms and ammunition by
12 manufacturers, distributors, and dealers, duly licensed by the appropriate federal and
13 state authorities, is lawful activity and is not unreasonably dangerous.

14 B. No firearm or ammunition manufacturer, distributor, or seller shall be
15 liable for any injury, damage, or death resulting from any shooting injury by any
16 other person unless the claimant proves and shows that such injury, damage, or death
17 was proximately caused by the unreasonably dangerous construction or composition
18 of the product as provided in R.S. 9:2800.55.

19 C. Notwithstanding any other provision of law to the contrary, no
20 manufacturer, distributor, or seller of a firearm or ammunition who has transferred
21 that firearm or ammunition in compliance with ~~federal~~ and state law shall incur any

1 liability for any action of any person who uses a firearm in a manner which is
 2 unlawful, negligent, or otherwise inconsistent with the purposes for which it was
 3 intended.

4 D. The failure of a manufacturer, distributor, or seller to insure that a firearm
 5 has a device which would: make the firearm useable only by the lawful owner or
 6 authorized user of the firearm; indicate to users that a cartridge is in the chamber of
 7 the firearm; or prevent the firearm from firing if the ammunition magazine is
 8 removed, shall not make the firearm unreasonably dangerous, unless such device is
 9 required by ~~federal~~ or state statute or regulation.

10 E.(1) For the purposes of this Chapter, the potential of a firearm or
 11 ammunition to cause serious injury, damage, or death as a result of normal function
 12 does not constitute a firearm or ammunition malfunction due to defect in design or
 13 manufacture.

14 (2) A firearm or ammunition may not be deemed defective in design or
 15 manufacture on the basis of its potential to cause serious bodily injury, property
 16 damage, or death when discharged legally or illegally.

17 F. Notwithstanding any provision of law to the contrary, no manufacturer,
 18 distributor, or seller of a firearm or ammunition shall incur any liability for failing
 19 to warn users of the risk that:

20 (1) A firearm or ammunition has the potential to cause serious bodily injury,
 21 property damage, or death when discharged legally or illegally.

22 (2) An unauthorized person could gain access to the firearm or ammunition.

23 (3) A cartridge may be in the chamber of the firearm.

24 (4) The firearm is capable of being fired even with the ammunition magazine
 25 removed.

26 G. ~~The provisions of this Section shall not apply to assault weapons~~
 27 ~~manufactured in violation of 18 U.S.C. §922(v).~~ In any civil action where the court
 28 finds that the defendant is not liable as provided in this Section, the court shall award
 29 the defendant all attorney fees, costs, and compensation for loss of income, and
 30 expenses incurred as a result of such action.

1 Section 2. R.S. 40:1799 is hereby amended and reenacted to read as follows:

2 §1799. Preemption of state law; liability of manufacturer, trade association, or
3 dealer of firearms and ammunition

4 A. The governing authority of any political subdivision or local or other
5 governmental authority of the state is precluded and preempted from bringing suit
6 to recover against any firearms or ammunition manufacturer, distributor, trade
7 association, or dealer for damages for injury, death, or loss or to seek other injunctive
8 relief resulting from or relating to the ~~lawful~~ design, manufacture, marketing, or sale
9 of firearms or ammunition. The authority to bring such actions as may be authorized
10 by law shall be reserved exclusively to the state.

11 B. This Section shall not prohibit the governing authority of a political
12 subdivision or local or other governing authority of the state from bringing an action
13 against a firearms or ammunition manufacturer, distributor, trade association, or
14 dealer for breach of contract as to firearms or ammunition purchased by the political
15 subdivision or local authority of the state.

16 C. If a governing authority violates the provision of this Section, the
17 defendant may be entitled to court costs and attorney fees.

18 D. The court shall award reasonable attorney fees, court costs, compensation
19 for loss of income, and all expenses to the defendant in any civil action if the court
20 finds that the action was improperly brought under this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____