

## HB0214S01 compared with HB0214

~~Omitted text~~ shows text that was in HB0214 but was omitted in HB0214S01  
inserted text shows text that was not in HB0214 but was inserted into HB0214S01

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## LONG TITLE

### **General Description:**

This bill amends civil liability concerning firearms {or ammunition} and firearm-related items.

## Highlighted Provisions:

This bill:

- defines terms and amends definitions;
- **amends provisions and requirements for certain claims arising from a firearm or firearm-related item brought against:**
  - {provides limitations on a civil action against} a seller or manufacturer of {firearms or munition:} a firearm or a firearm-related item; or
    - {brought under certain provisions of the federal Protection of Lawful Commerce in Arms Act; or}
    - {alleging a claim of negligent marketing; and}
    - a trade association;
  - **for certain claims arising from a firearm or a firearm-related item:**
    - requires a court to dismiss claims that fail to meet specific requirements;

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- 15     • grants reasonable attorney fees and court costs to a prevailing defendant in certain  
circumstances;
  - 17         • allows a defendant to appeal an interlocutory order that denies the defendant's motion  
to dismiss certain claims; and
    - 19             • prevents a foreign nation from asserting specific exceptions that may allow a claim for  
civil liability;
      - 21                 ▶ preempts a political subdivision from imposing civil liability on a manufacturer, seller, or  
trade association in certain circumstances; and
        - 14                     ▶ makes technical and conforming changes.

### 24 Money Appropriated in this Bill:

25     None

### 26 Other Special Clauses:

27     None

### 28 Utah Code Sections Affected:

#### 29 AMENDS:

30     53-5d-102 , as last amended by Laws of Utah 2025, Chapters 173, 208

31     53-5d-103 , as enacted by Laws of Utah 2016, Chapter 155

#### 32 ENACTS:

33     **53-5d-104 , Utah Code Annotated 1953**

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#### 34 REPEALS:

35     53-5d-101 , as enacted by Laws of Utah 2016, Chapter 155

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37 *Be it enacted by the Legislature of the state of Utah:*

38     Section 1. Section **53-5d-102** is amended to read:

### 28             **CHAPTER 5d. Lawful Commerce in Arms ActLimitations**

#### on Actions Concerning Firearms and Firearm-Related Items

##### 41     **53-5d-102. Definitions.**

As used in this chapter:

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(1) "Ammunition" means a bullet, a cartridge case, primer, propellant powder, or other ammunition designed for use in any firearm, either as an individual component part or in a completely assembled cartridge.

34 (2) "Antique firearm" means the same as that term is defined in Section 76-11-101.

35 (3) "Firearm" means the same as that term is defined in Section 76-11-101.

36 {(2)} (4) "Firearm accessory" means the same as that term is defined in Section 53-5a-401.

49 (2) (5)

52 (a) "Manufacturer" means, with respect to a qualified product, a person who is engaged in the business of manufacturing a qualified product [and who is licensed to engage in business as a manufacturer under 18 U.S.C. Chapter 44].

39 (b) "Manufacturer" includes an owner, director, officer, employee, or agent of a person described in Subsection (5)(a).

39 [(3)] (5){(6)}

60 (a) "Negligent entrustment" means the supplying of a qualified product by a seller for use by [another person] an individual when the seller knows, or reasonably should know, that the [person] individual to whom the [product is supplied] seller is supplying the qualified product is likely to, and does, use the qualified product in a manner involving unreasonable risk of physical injury to the [person or others] individual's self or to another individual.

62 (b) "Negligent entrustment" does not include a harm caused by an individual who was not entrusted with a qualified product directly by a seller.

43 (7) "Proximate cause" means that a plaintiff's injury is directly caused by a defendant's alleged unlawful conduct.

44 [(4){(1) } {(6)}} "Person" means the same as that term is defined in Section 68-3-12.5.]

71 [(5)] (7){(8)}

72 (a) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by [any] a person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from, on the basis of, arising out of, or in relation to the criminal or unlawful misuse of a qualified product by the person or a third party.

71 (b) "Qualified civil liability action" includes a claim:

72 (i) asserted within:

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73       (A) a civil action or proceeding; or  
74       (B) an administrative proceeding; and  
75       (ii) under any theory of liability, including:  
76       (A) a statutory or common law claim; and  
77       (B) a claim arising under contract, tort, nuisance, or negligence law.  
50       [(b)] (c) "Qualified civil liability action" does not include:  
51       (i) [an action] a claim brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or [Seetion  
76-11-302] Section 76-11-216 by a party directly harmed by the conduct of which the transferee  
was convicted;  
54       (ii) [an action] a claim brought against a seller for negligent entrustment or negligence per se;  
55       (iii) [an action] a claim in which a manufacturer or seller of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including 1 a statute in one of the following provisions and the statute's violation is the sole proximate cause of the harm for which the claim seeks relief:  
59       [(A) any incident in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or]  
65       [(B) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under 18 U.S.C. Sec. 922(g) or (n) or Title 76, Chapter 11, Part 3, Persons Restricted Regarding Dangerous Weapons;]  
101       (A) the Gun Control Act, 18 U.S.C. Sec. 921 et seq.;  
102       (B) the Arms Export Control Act, 22 U.S.C. Sec. 2778 et seq.;  
103       (C) the National Firearms Act, 26 U.S.C. Sec. 5801 et seq.;  
104       (D) the Export Control Reform Act, 50 U.S.C. Secs. 4801 to 4852; or  
105       (E) a requirement in Chapter 5a, Firearm Laws, Title 76, Chapter 11, Weapons, or another statute that provides an equivalent requirement to a federal law described in Subsections (8)(c)(iii)(A) through

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(D), such that the statute intentionally and exclusively imposes a specific and concrete obligation on a manufacturer or seller regarding the manner in which a qualified product is manufactured, distributed, or transferred to an unlicensed person, and does not include a claim premised on statutory or common law nuisance or negligence;

71 (iv) [an action] a claim for breach of contract or warranty in connection with the purchase of the qualified product;

73 (v) [an action] a claim for death, [physical injuries] a physical injury, or property damage resulting directly from a defect in design or manufacture of the qualified product, when the qualified product is being lawfully used as intended or in a reasonably foreseeable manner, except that where the discharge of the qualified product was caused by a volitional act that [constituted] meets the elements of a criminal offense, then the volitional act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage; or

79 (vi) [an action] a claim or proceeding commenced to enforce the provisions of 18 U.S.C. Chapter 44, 26 U.S.C. Chapter 53, or Title 76, Chapter 11, Weapons.

81 [6] (8){(9)}

(a) "Qualified product" means [a firearm{f} or{f,} antique firearm{f} , as defined in Section 76-11-101{f} , ammunition, or a component part of a firearm or ammunition] :

125 (i) ammunition;  
126 (ii) an antique firearm;  
127 (iii) a firearm; or  
128 (iv) a firearm accessory.

129 (b) "Qualified product" includes a product that is intended to be included in, attached to, used while attached to, or used in conjunction with a firearm or ammunition.

83 [7] (9){(10)}

(a) "Seller" means, with respect to a qualified product [,] :

132 (i) a federal firearms licensee, as defined in Section 53-5a-601[.]; or  
133 (ii) a person engaged in the business of selling a qualified product at the wholesale or retail level, including importing and exporting a qualified product.

135 (b) "Seller" includes an owner, director, officer, employee, or agent of a person described in Subsection (10)(a).

137 (c) "Seller" does not include a manufacturer.

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85 [§8] (10){(11)} "Trade association" means [§]  
86 [§a] any corporation, unincorporated association, federation, business league, or professional or  
business organization not organized or operated for profit and for which no part of the net earnings  
of which inures to the benefit of any private shareholder or individual [§], if:  
90 [§b] (a) [an] the entity is an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax  
under 26 U.S.C. Sec. 501(a); and  
92 [§e] (b) [an organization,] two or more members of [which] the entity are manufacturers or sellers of a  
qualified product.  
94 [§9] (11){(12)} "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation as  
[it] the conduct relates to the use of a qualified product.  
149 Section 2. Section **53-5d-103** is amended to read:  
150 **53-5d-103. Limitations on liability-- Requirements -- Dismissal.**  
98 [§1] (1) A manufacturer or seller of a qualified product, or trade association, is not subject to a qualified  
civil liability action regarding the unlawful misuse of a qualified product unless an injury or death  
results from an act or omission of the manufacturer, seller, or trade association that constitutes gross  
negligence, recklessness, or intentional misconduct.  
103 (2){(1)}  
§a A person may not {bring} assert a claim, including a qualified civil liability action against a  
manufacturer or seller {that is based upon Subsection 53-5d-102(7)(b)(iii), concerning a statute  
applicable to the sale or marketing} of a qualified product, {unless} or a trade association, unless  
the claim:  
106 (i){(a)} {the statute that} is {cited as the basis for the civil liability action:} based on an exception  
described in Subsection 53-5d-102(8)(c); and  
107 (A){(b)} {explicitly regulates firearms or ammunition; and} pleads with particularity the factual  
allegations providing the basis for the application of the exception described in Subsection (1)(a),  
including the factual allegations necessary to establish:  
108 (B){(i)} {provides clear and specific requirements that the manufacturer or seller is alleged in} the  
{civil liability action to have failed to have met} defendant's culpable mental state; and  
110 (ii) that the {alleged violation of the statute described in Subsection (2)(a)(i) is alleged to have  
directly caused} defendant was the proximate cause of the {harm} damages alleged in the  
{civil liability action} claim.

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112 (b){(2)} A {general consumer protection statute, marketing statute, public nuisance statute, or other  
statute that does not meet the requirements} court shall construe an exception described in  
Subsection {(2)(a) may not be considered as a statute applicable to the sale or marketing of firearms  
or ammunition for purposes of Subsektion 53-5d-102(7)(b)(iii).} 53-5d-102(8)(c):

116 (c){(a)} {A court may not interpret Subsection 53-5d-102(7)(b)(iii) broadly.} to limit the scope of a  
permissible claim, if there is a conflict between an exception and state statutory or common law; and

117 (3){(b)} {A person may not bring a negligent marketing claim against a manufacturer or seller of a  
qualified product unless:} in harmony with other exceptions described in Subsection 53-5d-102(8)  
(c).

168 [(2)] (3) [

119 {(a)} {the marketing practice directly targets individuals who are legally prohibited from owning a  
qualified product;}

{the marketing practice encourages or facilitates the unlawful use of a qualified product;}

123 {(e)} {there is a direct and substantial causal link between the marketing practice and the harm suffered  
by the plaintiff; and}

125 {(d)} {the marketing practice violates a state or federal statute that explicitly regulates the sale or  
marketing of a qualified product in a manner that constitutes a willful and knowing violation of the  
law.}

128 {[2]} (4) A {court shall dismiss a }civil liability action] A court shall dismiss a claim brought against  
a manufacturer, seller, or trade association that{:

130 {(a)} f} -] unless the claim:

170 (a) [does not allege any of the provisions of Subsection {f} 53-5d-102(5)(b) shall be  
dismissed.] {53-5d-102(7)(b)} alleges an exception described in Subsection 53-5d-102(8)(c); {or}  
and

172 (b) complies with the requirements described in Subsection (1).

173 (4)

(a) A defendant who prevails in a motion to dismiss a claim under Subsection (3) is entitled to  
reasonable attorney fees and court costs.

175 (b) A defendant may appeal an interlocutory order of a court that denies the defendant's motion to  
dismiss a claim under Subsection (3).

177 (5) A foreign nation may not assert an exception described in Subsection 53-5d-102(8).

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132 {~~(b)~~ does not comply with the requirements described in Subsection (2) or (3).}

178       Section 3. Section 3 is enacted to read:

179       **53-5d-104. State preemption of local regulation.**

180       (1) This chapter preempts a political subdivision from enacting any legislation, code, ordinance, or rule  
      that imposes civil liability on a manufacturer, seller, or trade association for the criminal misuse,  
      alteration, or modification of a qualified product under any theory of liability.

184       (2) Any legislation, code, ordinance, or rule made by a political subdivision of this state described in  
      Subsection (1) is superseded by this chapter.

186       Section 4. **Repealer.**

This Bill Repeals:

187       This bill repeals:

188       Section **53-5d-101, Title.**

189       Section 5. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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