STATE OF NEW YORK

8125

IN SENATE

January 8, 2024

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the general business law, in relation to establishing a private right of action against gun industry members for marketing firearms and firearm related products to minors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 2 and 6 of section 898-a of the general business law, as added by chapter 237 of the laws of 2021, are amended and four new subdivisions 7, 8, 9 and 10 are added to read as follows:

2. "Reasonable controls and procedures" shall mean policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state or federal law, or persons at risk of injuring themselves or others; [~~and~~] (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter**; and (c) preventing the marketing of firearms and firearm related products to individuals under the age of eighteen**.

6. "Qualified product" shall [~~have the same meaning as defined in 15 U.S.C. section 7903(4)~~] **mean a firearm, as defined in subparagraph (A) or (B) of 18 U.S.C. section 921(a)(3), including any antique firearm, as defined in 18 U.S.C. section 921(a)(16), or ammunition, as defined in 18 U.S.C. section 921(a)(17)(A), or a firearm related product**.

7. "Firearm accessory" shall mean an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a shooter's ability to hold and use a firearm, regardless of whether such accessory has been shipped or transported in interstate commerce.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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8. "Firearm precursor part" shall mean a component of a firearm that is necessary to build or assemble a firearm and is described in any of the following categories:

(a) An unfinished receiver as defined in subdivision thirty-two of section 265.00 of the penal law.

(b) An unfinished handgun frame as defined in subdivision thirty-two of section 265.00 of the penal law.

(c) A "major component of a firearm, rifle or shotgun" as defined in subdivision three-a of section 265.00 of the penal law.

9. "Firearm related product" shall mean a firearm, ammunition, a firearm precursor part, a firearm component, and a firearm accessory that meets any of the following conditions:

(a) The item is sold, manufactured, or distributed in New York state.

(b) The item is intended to be sold or distributed in New York state.

(c) The item is or was possessed in New York state and it was reasonably foreseeable that such item would be possessed in New York state.

10. "Firearm" shall have the same meaning as that term is defined in subdivision three of section 265.00 of the penal law, and for the purposes of this article, shall include a "rifle" as defined in subdivision eleven and a "shotgun" as defined in subdivision twelve of such section of the penal law.

§ 2. Section 898-b of the general business law is amended by adding a new subdivision 3 to read as follows:

3. It shall be unlawful for any gun industry member to design or market any firearm or firearm related product as defined in section eight hundred ninety-eight-a of this article to any individual under the age of eighteen, unless such firearm or firearm related product is being designed or marketed to individuals under the age of eighteen for the purposes of hunting in accordance with article eleven of the environmental conservation law.

§ 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.