

2026 SESSION

HOUSE SUBSTITUTE

26106578D

HOUSE BILL NO. 21

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on January 30, 2026)

(Patron Prior to Substitute—Delegate Helmer)

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 11.2, consisting of sections numbered 59.1-148.5, 59.1-148.6, and 59.1-148.7, relating to firearm industry members; standards of responsible conduct; civil liability.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 11.2, consisting of sections numbered 59.1-148.5, 59.1-148.6, and 59.1-148.7, as follows:

CHAPTER 11.2.

VIRGINIA FIREARM INDUSTRY STANDARDS OF RESPONSIBLE CONDUCT.

§ 59.1-148.5. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Firearm accessory" means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, is 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.

"Firearm industry member" means a person engaged in the sale, manufacture, distribution, importing, or marketing of a firearm-related product.

"Firearm-related product" means a firearm, ammunition, a firearm component, including unfinished frames or receivers, or a firearm accessory that was (i) sold, made, distributed, or marketed in the

Commonwealth; (ii) intended to be sold, made, distributed, or marketed in the Commonwealth; or (iii) possessed in the Commonwealth, and it was reasonably foreseeable that the product would be possessed or used in the Commonwealth.

"Firearm trafficker" means a person who acquires, transfers, or attempts to acquire or transfer a firearm for purposes of unlawful commerce.

"Frame" and "receiver" have the same meanings attributed to them in 18 U.S.C. § 921 et seq. and regulations issued pursuant thereto.

"Public nuisance" means a condition that injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others or otherwise constitutes a public nuisance under common law.

"Reasonable controls" means reasonable procedures, safeguards, and business practices that are designed to (i) prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a firearm-related product; (ii) prevent the loss of a firearm-related product or theft of a firearm-related product from a firearm industry member; (iii) ensure that the firearm industry member complies with all provisions of state and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product; (iv) prevent the installation and use of an auto sear, as defined in § 18.2-308.5:1, on firearm-related products; or (v) ensure that the firearm industry member does not engage in an act or practice in violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

"Straw purchaser" means an individual who conceals, or intends to conceal, from a person that the purchase of a firearm-related product is being made on behalf of a third party. A "straw purchaser" does not include a bona fide gift to a person who is not prohibited by law from possessing or receiving a firearm-related product. For purposes of this chapter, a gift to a person is not a bona fide gift if the person has offered or given the purchaser a service or thing of value to acquire the firearm-related product for the person.

"Unfinished frame or receiver" means a forging, casting, printing, extrusion, machined body, or similar item that (i) is designed to or may readily be completed, assembled, or otherwise converted to function as a frame or receiver or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or otherwise converted. However, "unfinished frame or receiver" does not include a component designed and intended for use in an antique weapon.

§ 59.1-148.6. Firearm industry standards of responsible conduct; civil liability.

A. A firearm industry member, by conduct unlawful in itself or unreasonable under all the circumstances, may not knowingly create, maintain, or contribute to a public nuisance through the sale, manufacture,

60 *importing, or marketing of a firearm-related product.*

61 *B. A firearm industry member shall establish and implement reasonable controls regarding the*
62 *manufacture, sale, distribution, use, and marketing of the firearm industry member's firearm-related*
63 *products.*

64 *C. A violation of subsection A or B is a public nuisance.*

65 *D. Whenever it appears to the Attorney General or the local county, town, or city attorney that a firearm*
66 *industry member has engaged in or is engaging in conduct in violation of this section, the Attorney General*
67 *or local county, town, or city attorney may commence an action to seek and obtain (i) an injunction*
68 *prohibiting the firearm industry member from continuing the conduct, engaging in the conduct, or doing any*
69 *acts in furtherance of the conduct; (ii) an order providing for abatement of the public nuisance at the expense*
70 *of the firearm industry member; (iii) an order of restitution; (iv) an award of compensatory and punitive*
71 *damages; (v) an award of reasonable attorney fees and costs of the action; and (vi) any other appropriate*
72 *relief that may be awarded by the court.*

73 *E. Any person that has been injured as a result of a firearm industry member's acts or omissions in*
74 *violation of this section may commence an action to seek and obtain (i) an injunction prohibiting the firearm*
75 *industry member from continuing the conduct, engaging in the conduct, or doing any acts in furtherance of*
76 *the conduct; (ii) an award of compensatory and punitive damages; and (iii) an award of reasonable attorney*
77 *fees and costs of the action.*

78 *F. To prevail in an action under this section, the party seeking relief is not required to demonstrate that*
79 *the firearm industry member acted with the intent to engage in a public nuisance or otherwise cause harm to*
80 *the public.*

81 *G. This section shall not be construed or implied to limit or impair in any way (i) the right of a person to*
82 *pursue a legal action under any other law or (ii) an obligation or requirement placed on a firearm industry*
83 *member by any other law.*

84 *Nothing in this section is intended to restrict or alter the availability of an action for relief from or to*
85 *remedy a public nuisance at common law.*

86 **§ 59.1-148.7. Limitation of action; venue.**

87 *A. An action brought pursuant to § 59.1-148.6 shall be commenced within two years after the cause of*
88 *action accrues.*

89 *B. An action brought pursuant to § 59.1-148.6 may be brought in the county, town, or city of the*
90 *Commonwealth (i) in which all or a substantial part of the acts or omissions that form the basis for the cause*
91 *of action occurred, (ii) where any defendant resided when the cause of action arose or where the principal*
92 *office of any defendant is located, or (iii) where the plaintiff resides if the plaintiff is a natural person.*