



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: JUD DP 5-3-0-0 | 3rd Read 16-14-0-0

House: JUD DP 6-4-0-0 | 3rd Read 31-29-0-0

Final Read: DPA 16-14-0-0

SB 1382: essential businesses; firearms; ammunition; sales

NOW: essential businesses; civil actions; ammunition

Sponsor: Senator Rogers, LD 6

Transmitted to the Governor

Overview

Prohibits civil actions from being brought against manufacturers or sellers of firearms and ammunition for damages resulting from the criminal misuse of the firearm or ammunition, except in specified circumstances.

History

The Governor may proclaim a *state of emergency* in an area affected, or likely to be affected, by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes when the conditions cause extreme peril to the safety of people and property within the state (A.R.S. §§ [26-301](#); [26-303](#)).

[Laws 2007, Ch. 101](#) prohibited the Governor, Adjutant General or other official from using their emergency powers to impose additional restrictions on the lawful possession, transfer, sale or other use of firearms, ammunition or components of either ([A.R.S. § 26-303](#)).

Provisions

1. Prohibits a civil action from being brought against a manufacturer or seller of a firearm or ammunition or related trade association for damages resulting from the criminal misuse of the firearm or ammunition, except for:
 - a) An action brought against a convicted transferor;
 - b) An action brought against a seller for specified types of negligence; and
 - c) An action where the manufacturer or seller knowingly violated an applicable law and that violation was a cause of harm. (Sec. 1)
2. Requires the awarding of attorney fees and costs to the prevailing party in a prohibited civil action. (Sec. 1)
3. Designates a store that sells firearms, ammunition or components of firearms or ammunition as an *essential business*. (Sec. 2)
4. Provides that, during a state of emergency, a store that sells firearms, ammunition or components of either is protected from civil actions as outlined above. (Sec. 2)
5. Defines *engaged in the business, with the principle objective of livelihood and profit, manufacturer, negligent entrustment, qualified civil liability action, qualified product, seller and trade association*. (Sec. 1)
6. Makes technical changes. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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