

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2067**

BY DELEGATES COOP-GONZALEZ, HORST, HILLENBRAND,  
LINVILLE, PHILLIPS, FOGGIN, T. CLARK, ANDERS,  
MCGEEHAN, KIMBLE, AND STEELE

[Passed April 8, 2025; in effect 90 days from passage  
(July 7, 2025)]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §61-7C-1, §61-7C-2, §61-7C-3, and §61-7C-4; all relating to the creation of  
3 the West Virginia Firearms Marketing Clarification Act; providing for a short title; providing  
4 for definitions; providing limitations on negligent marketing claims; and creating a  
5 predicate exception limitation.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 7C. WEST VIRGINIA FIREARMS MARKETING CLARIFICATION ACT.**

**§61-7C-1. Short title.**

1 This article shall be known and may be cited as the "West Virginia Firearms Marketing  
2 Clarification Act."

**§61-7C-2. Definitions.**

1 For the purposes of this article:

2 "Firearm" means any weapon which will, is designed to, or may readily be converted to  
3 expel a projectile by the action of an explosive, as defined in 18 U.S.C. § 921(a)(3);

4 "Manufacturer" means any person engaged in the business of manufacturing firearms or  
5 ammunition for sale or distribution;

6 "Negligent marketing" means any advertising, promotion, or marketing practice by a  
7 manufacturer or seller that directly poses a foreseeable and substantial risk of harm to the  
8 purchaser or specific identifiable individuals;

9 "PLCAA" means the Protection of Lawful Commerce in Arms Act of 2005, 15 U.S.C. 105,  
10 *et seq.*; and

11 "Seller" means any person engaged in the business of selling firearms or ammunition at  
12 wholesale or retail.

**§61-7C-3. Limitations on negligent marketing claims.**

1 (a) A person may bring a negligent marketing claim against a manufacturer or seller of  
2 firearms or ammunition only if all of the following conditions are met:

3 (1) The marketing practice directly targeted individuals who are legally prohibited from  
4 owning firearms;

5 (2) The marketing practice encouraged or facilitated the unlawful use of firearms;

6 (3) There is direct cause and substantial proximate cause between the marketing practice  
7 and the harm suffered by the plaintiff; and

8 (4) The marketing practice violated a state or federal statute explicitly regulating the sale  
9 or marketing of firearms or ammunition in a manner that constitutes a willful and knowing violation  
10 of the law.

11 (b) If these conditions are not met, the court must, upon motion, summarily dismiss the  
12 action or dismiss any parties who are improperly joined.

**§61-7C-4. Predicate exception limitation; construction.**

1 (a) The predicate exception under the PLCAA may not be interpreted broadly. A claim  
2 may proceed only if the specifically cited statute was violated in the following manner:

3 (1) The statute explicitly regulates firearms or ammunition;

4 (2) The statute provides clear, concrete requirements that the manufacturer or seller failed  
5 to meet; and

6 (3) The violation of the statute was a proximate cause of the harm in question.

7 (b) General state consumer protection laws or public nuisance laws may not be considered  
8 statutes "applicable to the sale or marketing" of firearms or ammunition for the purposes of the  
9 predicate exception.

10 (c) The predicate exception may not be interpreted broadly to result in general consumer  
11 marketing statutes circumventing the PLCAA.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

.....  
*Speaker of the House of Delegates*

.....  
*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2025.

.....  
*Governor*