

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2138 Session of
2026INTRODUCED BY PICKETT, HAMM, KUZMA, OLSOMMER, WALSH, COOK, BANTA
AND KAUFFMAN, JANUARY 13, 2026

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 14, 2026

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for the offense of negligent marketing.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6143. Negligent marketing.

9 (a) Action prohibited.--It is unlawful for a person to bring
10 an action for negligent marketing against a manufacturer or
11 seller unless all of the following conditions are satisfied:

12 (1) The negligent marketing directly targeted
13 individuals who are legally prohibited from owning firearms.

14 (2) The negligent marketing encouraged or facilitated
15 the unlawful use of firearms.

16 (3) There is a direct and substantial causal link
17 between the negligent marketing and the harm suffered by the
18 plaintiff.

1 (4) The manufacturer or seller willfully and knowingly
2 violated a regulatory statute that proximately caused harm to
3 the person.

4 (b) Dismissal required.--The court shall dismiss an action
5 brought in violation of subsection (a) and shall award
6 reasonable attorney fees and costs incurred by a party defending
7 the claim.

8 (c) Counterclaim and right of action.--

9 (1) A manufacturer or seller harmed by an action brought
10 by a person in violation of subsection (a) may bring a
11 counterclaim or a separate action for damages and injunctive
12 relief against the person.

13 (2) A manufacturer or seller who prevails in a
14 counterclaim or separate action brought under this subsection
15 shall be entitled to recover reasonable attorney fees and
16 costs.

17 (d) Construction.--This section shall be strictly construed.

18 (e) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Firearm." As defined in 18 U.S.C. § 921(a)(3) (relating to
22 definitions).

23 "Manufacturer." A person engaged in the business of
24 manufacturing firearms or ammunition for sale or distribution.

25 "Negligent marketing." An advertising, promotion or
26 marketing practice by a manufacturer or seller that directly
27 poses a foreseeable and substantial risk of harm to a purchaser
28 of the manufacturer's or seller's firearm or ammunition or to
29 specific identifiable individuals.

30 "Regulatory statute." As follows:

1 (1) Federal or State statute that:

2 (i) explicitly regulates firearms or ammunition; and

3 (ii) provides clear and concrete duties that a

4 manufacturer or seller must meet.

5 (2) The term does not include a consumer protection law

6 or public nuisance law of this Commonwealth.

7 "Seller." A person engaged in the business of selling

8 firearms or ammunition at wholesale or retail.

9 Section 2. This act shall take effect in 60 days.