

## SENATE BILL No. 116

By Committee on Federal and State Affairs

1-24

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AN ACT concerning firearms, ammunition and firearms dealers; relating to the limitation on certain civil actions relating thereto.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The legislature finds that the lawful design, marketing, manufacture or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se.

(b) To the extent the constitution of this state and the United States protects citizens' rights to keep and bear arms, the legislature finds and declares that it is within the strict prerogative of its own authority, and not the authority of any county or municipality, to determine whether any manufacturer, dealer or seller of firearms has engaged in any act or omission that would create a cognizable action for damages, injunction or otherwise.

Sec. 2. (a) The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association or dealer, by or on behalf of the state or any political subdivision of the state for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This subsection shall not prohibit a political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by such political subdivision.

(b) The provisions of this act shall apply to any action pending on or brought on or after the effective date of this act.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.