



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

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Media Contacts:
press@oag.state.md.us
410-576-7009

Brief Supports Accountability for Firearms Industry in State Law *Attorney General Brown and Coalition Argue that New York Has the Power to Curb Dangerous Gun Industry Practices*

BALTIMORE, MD (January 17, 2023) – Maryland Attorney General Anthony G. Brown today demonstrated his steadfast commitment to protecting our communities by holding gun manufacturers and dealers accountable for their conduct that contributes to gun violence. With a coalition of 18 Attorneys General, Attorney General Brown filed an [amicus brief](#) supporting states’ rights to enact legislation that protects the public from firearms industry practices that endanger their safety. In the brief, the coalition argues that states – in this case, the challenged law was enacted in New York – have the authority to protect residents and public safety.

New York enacted its statute to hold gun industry members accountable for the irresponsible sale and marketing of firearms when that conduct results in harm to the public. Under the law, public officials or private citizens can file a lawsuit against a gun industry member that knowingly or recklessly endangers the safety or health of the public in New York state through the unlawful or unreasonable sale, manufacturing, importing, or marketing of firearms. Gun industry members can also be held liable when they fail to use reasonable controls and procedures to prevent firearms from being unlawfully used or sold in New York state.

“We need to keep guns out of the hands of those who would do violence in our communities. It is lawful and Constitutional for states to enact legislation that protects their residents from bad actors in the gun industry,” said Attorney General Brown. “These entities should be held accountable under the law for any misconduct that threatens public safety.”

Several members of the firearms industry sued New York, arguing that the statute is preempted by federal law and is unconstitutional. The U.S. District Court for the Northern District of New York dismissed the lawsuit. The coalition of Attorneys General is now asking the appellate court to affirm the lower court’s ruling, which found that the law is not preempted by the Protection of Lawful Commerce in Arms Act, a federal law that limits civil remedies against gun industry members for harms caused solely by the misconduct of individuals who use firearms. The court also found that the law did not run afoul of either the Dormant Commerce Clause or the Due Process Clause of the U.S. Constitution.

Attorney General Brown and the coalition argue that New York's statute is lawful and benefits the public. As the brief explains, empirical evidence suggests a direct link between the harmful effects of gun violence and the irresponsible actions of gun industry members, such as dealers failing to enact reasonable controls to prevent straw purchasing or manufacturers designing novel marketing schemes to target vulnerable youth. New York's law serves the important purpose of deterring gun industry members from engaging in irresponsible practices that actively contribute to increasing gun violence and, where necessary, holds those who engage in such tactics accountable for their actions.

Joining Attorney General Brown in the brief are the Attorneys General of California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

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