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Joint Committee on Federal Relations



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*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jeff Waldstreicher  
**Senate Bill 113 – Civil Actions – Public Nuisances – Firearm Industry Members**  
**(Gun Industry Accountability Act of 2023)**

February 7, 2023

Chairman Smith & Members of the Judicial Proceedings Committee:

There's a deadly industry in the United States. It kills more people than drug overdoses, car accidents, and AIDS combined. And the product this industry sells is 100% legal. That product is tobacco. In 1965, 42% of Americans smoked. But through a series of regulations—including raising the age to 21—and especially litigation, that number is now down to 14%.

There's another dangerous industry in the United States. It kills about 16,000 Americans per year. And the product this industry sells is 100% legal. That product is prescription opioids. In 2012, for every 100 Americans, there were 81 opioid prescriptions. But through a series of regulations and especially litigation, that number is now down to 43.

Nearly every industry in the United States faces the possibility of legal repercussions for irresponsible and harmful behaviors. And all these industries sell legal products and services. It's not just tobacco and opioids: our judicial system acts as a check against corporate polluters, landlords, the financial sector, and many, many others. These suits are brought by private plaintiffs who are directly harmed, and by attorneys general of all stripes. Liberal attorneys general. Conservative attorneys general. Democratic attorneys general. Republican attorneys general.

Why should the gun industry be any exception?

**It shouldn't.** Gun industry immunity isn't just terrible policy, it's fundamentally different from how we treat every other industry, and directly counter to basic American notions of accountability and access to justice.

Mr. Chairman, members of the committee: it's time to end gun industry immunity in Maryland.

Are we even allowed to do this? You're darn right we are. As many of you know, there is a federal law called the Protection of Lawful Commerce in Arms Act, also known as PLCAA. This federal law shields firearm and ammunition manufacturers, dealers, and other industry members from lawsuits. Naturally, this meant that the gun industry no longer had a financial

incentive to consider public safety when marketing, distributing, and selling their products. That's part of the reason this industry became so reckless and dangerous.

But nested within PLCAA is something very explicit: states are not bound by it. There is no preemption. We can essentially repeal PLCAA at the state level. And that's exactly what this bill does.

We wouldn't be the first. New Jersey, New York, California, and Delaware have all passed state PLCAA repeals.

The Gun Industry Accountability Act of 2023 allows directly impacted victims of gun violence to hold firearm manufacturers accountable in certain circumstances through civil suits. The bill also empowers our Attorney General to pursue litigation in similar, narrow circumstances, just as past attorneys general here in Maryland have done in the case tobacco and opioids.

Mr. Chairman, members of the committee, let's be plain: the firearms industry has enjoyed unprecedented, complete and total legal immunity for far too long. The Gun Industry Accountability Act of 2023 would simply hold these manufacturers to the same standard as all other industries. For these reasons, I respectfully urge a favorable report on Senate Bill 113.

Very truly yours,

A handwritten signature in black ink that reads "Jeff Waldstreicher". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Senator Jeff Waldstreicher