

JAN 23 2026

A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that firearm-related
2 injuries impose substantial direct and indirect costs on the
3 State, including costs for emergency medical response, hospital
4 and trauma care, long-term rehabilitation, mental health
5 treatment, lost productivity, and survivor support. Due to the
6 State's geographic isolation, limited trauma-care capacity, and
7 reliance on public health systems, these costs are
8 disproportionately borne by taxpayers, public hospitals, and
9 families.

10 The legislature further finds that existing compensation
11 programs, including the crime victim compensation commission,
12 are limited in scope and operate primarily as payers of last
13 resort, resulting in delayed or incomplete coverage for many
14 firearm-related injuries.

15 The purpose of this Act is to establish a prospective,
16 no-fault, public health financing mechanism that allocates a
17 portion of the public costs of firearm injuries to firearm



1 manufacturers as a condition of participation in the State's
2 market, without imposing civil liability, criminal penalties, or
3 fault for third-party misuse of firearms.

4 This Act is intended to operate pursuant to the State's
5 police power to protect public health, safety, and welfare, and
6 shall be construed as economic regulation, not punishment.

7 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 **"PART . HAWAII FIREARM INJURY RESTITUTION FUND**

11 **§134-A Definitions.** As used in this part:

12 "Department" means the department of health.

13 "Firearm injury" means any bodily injury or death caused by
14 the discharge of a firearm, including accidental,
15 self-inflicted, criminal, or otherwise unintended injury.

16 "Firearm manufacturer" means any person or entity engaged
17 in the commercial manufacture of a finished firearm intended for
18 sale or distribution.

19 "Fund" means the Hawaii firearm injury restitution fund
20 established under section 134-B.



1 "Market participation" means the sale, distribution, or
2 placement of firearms into the stream of commerce in the State.

3 "Risk category" means a firearm product classification
4 established pursuant to section 134-D based on objective product
5 characteristics associated with aggregate firearm injury costs.

6 **§134-B Hawaii firearm injury restitution fund;**

7 **established.** (a) There is established the Hawaii firearm
8 injury restitution fund to be administered by the department.

9 (b) The fund shall operate as a first payer for eligible
10 firearm injury-related expenses, including medical care, mental
11 health treatment, rehabilitation, prescription medications, lost
12 wages, funeral and burial expenses, and other costs determined
13 by rule.

14 (c) Payment of benefits from the fund shall not be
15 conditioned on fault, criminal liability, or the outcome of any
16 civil or criminal proceeding.

17 **§134-C Firearm injury cost recovery license.** (a) No
18 firearm manufacturer shall sell or distribute firearms in the
19 State unless the manufacturer holds a valid firearm injury cost
20 recovery license issued by the department.



1 (b) Issuance and renewal of a license under this section
2 shall be conditioned on participation in the fund and payment of
3 contributions required under section 134-D.

4 (c) A license issued under this section constitutes
5 economic regulation of market participation and shall not be
6 construed as a penalty or sanction.

§134-D Category-based risk; manufacturer contributions.

8 (a) The department shall establish firearm risk categories by
9 rule, based on objective product characteristics and aggregated
10 public-health cost data.

11 (b) Each risk category shall be assigned a contribution
12 rate reflecting its proportional share of statewide firearm
13 injury costs.

14 (c) All firearm manufacturers participation in the same
15 risk category shall be subject to the same contribution formula,
16 applied uniformly.

17 (d) Contributions shall be calculated prospectively and
18 may be capped based on a reasonable percentage of in-state sales
19 revenue, as determined by rule.



4 **§134-E Data collection and privacy.** (a) State and county
5 law enforcement agencies shall provide the department with
6 aggregated firearm injury data necessary for actuarial and
7 public-health analysis.

8 (b) Public disclosure shall be limited to anonymized and
9 aggregated data and shall not identify individual firearm
10 manufacturers in connection with specific injury incidents.

11 **§134-F Compensation programs; coordination.** (a) Benefits
12 paid from the fund shall be coordinated with other public and
13 private benefits to avoid duplication of payments.

14 (b) Nothing in this part shall limit eligibility for
15 compensation under chapter 351 or any other applicable law.

16 **§134-G Federal Law; compliance.** (a) Nothing in this part
17 shall be construed to:

18 (1) Impose civil liability on a firearm manufacturer;

19 (2) Regulate firearm possession or ownership; or

20 (3) Assign fault or penalize criminal misuse of a firearm

21 by a third party.



3 §134-H Enforcement. (a) The department shall deny,
4 suspend, or revoke a firearm injury recovery license for
5 noncompliance after notice and opportunity for hearing.

6 (b) Remedies under this part shall be limited to licensing
7 actions and administrative penalties authorized by rule.

8 **\$134-I Administrative procedures.** (a) The department may
9 adopt rules pursuant to chapter 91 for the purposes of this
10 part, including rules governing risk category classification,
11 contribution calculations, audits, verification procedures, and
12 administrative appeals.

13 (b) A firearm manufacturer may contest risk category
14 placement, mathematical calculation of contributions, or
15 compliance determinations through administrative review.

16 (c) Proceedings under this part shall be administrative in
17 nature and shall not constitute adjudications of civil or
18 criminal liability."

19 SECTION 3. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY: Karl Rhaels



S.B. NO. **2720**

Report Title:

Firearm Injury; Cost Recovery; Restitution Fund

Description:

Establishes a Hawai'i Firearm Injury Restitution Fund funded by licensed firearm manufacturers as a condition of market participation. Provides no-fault, first-payer coverage for medical and related costs arising from firearm injuries.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

