
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 existing
2 compensation programs for those injured by firearms, including
3 the crime victim compensation commission, are limited in scope
4 and operate primarily as payers of last resort, resulting in
5 delayed or incomplete coverage for many firearm-related
6 injuries.

7 The purpose of this Act is to establish a prospective,
8 no-fault, public health financing mechanism for those injured by
9 firearms without imposing civil liability, criminal penalties,
10 or fault.

11 This Act is intended to protect public health, safety, and
12 welfare, not to impose punishment.

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

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

17 **§134-A Definitions.** As used in this part:



1 "Department" means the department of health.

2 "Firearm injury" means any bodily injury or death caused by
3 the accidental or otherwise unintended discharge of a firearm,
4 or by the unjustified, intentional discharge of a firearm by one
5 person against another.

6 "Firearm manufacturer" means any person or entity engaged
7 in the commercial manufacture of a finished firearm intended for
8 sale or distribution.

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

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

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

16 **§134-B Hawaii firearm injury restitution fund;**

17 **established.** (a) Beginning July 1, 2027, there is established
18 the Hawaii firearm injury restitution fund to be administered by
19 the department.

20 (b) The fund shall operate as a first payer for eligible
21 medical care, mental health treatment, rehabilitation,



1 prescription medications, lost wages, and funeral and burial
2 expenses resulting from a firearm injury.

3 (c) An individual who suffers a firearm injury, or the
4 personal representative or estate of the individual, may make a
5 claim for payment from the fund.

6 (d) Payment of benefits from the fund shall not be
7 conditioned on fault, criminal liability, or the outcome of any
8 civil or criminal proceeding.

9 **§134-C Firearm injury cost recovery license.** (a)
10 Beginning January 1, 2027, no firearm manufacturer shall sell or
11 distribute firearms in the State unless the manufacturer holds a
12 valid firearm injury cost recovery license issued by the
13 department.

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

17 (c) A license issued under this section shall not be
18 construed as a penalty or sanction.

19 **§134-D Category-based risk; manufacturer contributions.**

20 (a) The department shall establish and periodically update



1 firearm risk categories, based on objective product
2 characteristics.

3 (b) The department shall assign each risk category a
4 contribution rate reflecting its proportional share of statewide
5 firearm injury costs, based on aggregated public health cost
6 data.

7 (c) All firearm manufacturers participation in the same
8 risk category shall be subject to the same contribution formula,
9 applied uniformly.

10 (d) Contributions may be capped based on a reasonable
11 percentage of in-state sales revenue.

12 (e) The department shall conduct periodic actuarial
13 reviews and adjust contribution rates as necessary to ensure
14 fiscal sufficiency, predictability, and fairness.

15 **§134-E Data collection and privacy.** (a) State and county
16 law enforcement agencies shall provide the department with
17 aggregated firearm injury data necessary for actuarial and
18 public-health analysis.

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



1 **§134-F Crime victim compensation.** Nothing in this part
2 shall limit eligibility for compensation under chapter 351.

3 **§134-G Federal law; compliance.** (a) Nothing in this part
4 shall be construed to:

- 5 (1) Impose civil liability on a firearm manufacturer;
6 (2) Regulate firearm possession or ownership; or
7 (3) Assign fault or penalize criminal misuse of a firearm
8 by a third party.

9 (b) This part shall be construed to be consistent with
10 title 15 United States Code sections 7901 through 7903.

11 **§134-H Enforcement.** (a) Beginning July 1, 2027, the
12 department shall deny, suspend, or revoke a firearm injury
13 recovery license for noncompliance after notice and opportunity
14 for a hearing.

15 (b) Remedies under this part shall be limited to licensing
16 actions.

17 **§134-I Administrative procedures.** (a) The department
18 shall adopt rules pursuant to chapter 91 for the purposes of
19 this part, including rules governing the process by which claims
20 may be made for payments from the fund and by which claims may
21 be coordinated with other public and private sources that may



1 cover firearm-related injuries, risk category classifications,
2 contribution calculations, audits, verification procedures, and
3 administrative appeals.

4 (b) The department shall adopt an administrative review
5 process by which a firearm manufacturer may contest risk
6 category classifications, mathematical calculation of
7 contributions, or compliance determinations.

8 (c) Proceedings under this part shall be administrative in
9 nature and shall not constitute adjudications of civil or
10 criminal liability."

11 SECTION 3. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 4. In codifying the new sections added by
18 section 2 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

21 SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 2720
S.D. 1

Report Title:

Firearm Injury; Cost Recovery; Restitution Fund

Description:

Establishes the Hawai'i Firearm Injury Restitution Fund funded by contribution payments made by firearm manufacturers as a condition of market participation. Provides no-fault, first-payer coverage for medical and other costs arising from firearm injuries. (SD1)

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