WEST VIRGINIA CODE: §61-7C-3

§61-7C-3. Limitations on negligent marketing claims.

- (a) A person may bring a negligent marketing claim against a manufacturer or seller of firearms or ammunition only if all of the following conditions are met:
- (1) The marketing practice directly targeted individuals who are legally prohibited from owning firearms;
- (2) The marketing practice encouraged or facilitated the unlawful use of firearms;
- (3) There is direct cause and substantial proximate cause between the marketing practice and the harm suffered by the plaintiff; and
- (4) The marketing practice violated a state or federal statute explicitly regulating the sale or marketing of firearms or ammunition in a manner that constitutes a willful and knowing violation of the law.
- (b) If these conditions are not met, the court must, upon motion, summarily dismiss the action or dismiss any parties who are improperly joined.