

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY

501 CMR 7.00: APPROVED WEAPON ROSTERS

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7.01: Purpose

The purpose of 501 CMR 7.00 *et seq.* is to provide rules and regulations governing the inclusion of firearms, rifles and shotguns on rosters of weapons referred to in M.G.L. c. 140, §§ 123 and 131<sup>3</sup>/<sub>4</sub>.

7.02: Definitions

As used in 501 CMR 7.00:

Approved Firearm means a firearm make and model that passed the testing requirements of M.G.L. c. 140, § 123 and was subsequently approved by the Secretary. Included are those firearms listed on the current Approved Firearms Roster and those firearms approved by the Secretary of Public Safety that will be included on the next published Approved Firearms Roster.

Approved Firearms Roster means a list of firearms approved by the Secretary which meet or exceed the testing criteria as outlined in M.G.L. c. 140, § 123 clauses Eighteenth, Nineteenth, Twentieth and Twenty-first, and which list is established, maintained and published by the Secretary pursuant to M.G.L. c. 140, § 131<sup>3</sup>/<sub>4</sub>.

Approved Independent Testing Laboratory means a testing laboratory that the Secretary has determined is capable of accurately testing firearms in accordance with M.G.L. c. 140, § 123.

Capable of Accepting a Large Capacity Feeding Device means any firearm, rifle or shotgun in which a large capacity feeding device, as defined by M.G.L. c. 140, § 121, is capable of being used without alteration of the weapon; provided, however, that said feeding device is fully or partially inserted into the weapon or attached thereto, or is under the direct control of a person who also has direct control of a weapon capable of accepting said feeding device.

Certified by Attributes means the process used by an independent testing laboratory to determine if a particular model firearm is the functional design equivalent of another model already tested.

Firearm has the same meaning as "firearm" as defined in M.G.L. c. 140, § 121.

Formal Target Shooting Competition means those target competitions which are sponsored, coordinated or sanctioned by a national organization which regulates the type of firearm or modifications that may be used.

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Formal Target Shooting Firearm means those firearms that have been approved by the Secretary as solely designed and sold for formal target shooting competition, pursuant to M.G.L. c. 140, § 123.

Formal Target Shooting Firearms Roster means a list of firearms approved by the Secretary, which are solely designed and sold for formal target shooting competition as provided by M.G.L. c. 140, § 123, and which list is established, maintained and published pursuant to M.G.L. c. 140, § 123.

Functional Design Equivalent means a firearm whose dimensions and material, as well as linkage and functioning of the magazine well, cylinder, barrel, chamber or any components of the firing mechanism do not differ from a firearm which satisfactorily completed the Testing Requirements. A firearm may be deemed the Functional Design Equivalent of a firearm which differs only in caliber if the larger caliber firearm has satisfactorily completed the Testing Requirements.

GCAB means the Gun Control Advisory Board as provided in M.G.L. c. 140, § 131½, whose members are appointed by the Governor to advise the Secretary on matters relating to the implementation of M.G.L. c. 140, §§ 121 through 131P.

Individual Firearm means a specific firearm identifiable by make, model and serial number, and does not refer to an entire make or model line.

Large Capacity Feeding Device has the same meaning as "large capacity feeding" device as defined in M.G.L. c. 140, § 121.

Large Capacity Roster means a list of large capacity firearms, rifles, and shotguns as defined by M.G.L. c. 140, § 121, and which list is established, maintained and published by the Secretary pursuant to M.G.L. c. 140, § 131¾.

Large Capacity Weapon has the same meaning as "large capacity weapon" as defined in M.G.L. c. 140, § 121.

Length of Barrel or Barrel Length have the same meaning as "length of barrel" or "barrel length" as defined in M.G.L. c. 140, § 121.

Licensee means a firearms dealer licensed in Massachusetts under M.G.L. c. 140, § 122, and does not refer to a gunsmith also licensed under M.G.L. c. 140, § 122.

Licensed Gunsmith means a person acting as gunsmith as defined in M.G.L. c. 140, § 121, and who is licensed to conduct gunsmith activity pursuant to M.G.L. c. 140, § 122.

Make of Firearm means the company that manufactured said firearm.

Model of Firearm means the alpha or numeric designation or name given by the manufacturer to a particular line of firearms. Within the model line, firearms may be assigned different alpha or numeric designations or names and still be considered to be the same model provided they are the functional design equivalent.

Readily Modifiable to Accept a Large Capacity Feeding Device means any firearm, rifle or shotgun immediately capable of being altered so as to accept a large capacity feeding device as defined in M.G.L. c. 140, § 121; provided, however, that said feeding device is fully or partially inserted into the weapon or attached thereto, or is under the direct control of a person who also has direct control of a weapon capable of accepting said feeding device.

Secretary means the Secretary of Public Safety.

7.02: continued

Testing Requirements means the testing requirements as defined in M.G.L. c. 140, § 123 clauses Eighteenth, Nineteenth, Twentieth and Twenty-first. For clause Eighteen, such requirements shall include a certified statement from the manufacturer regarding the melting point, tensile strength, or density of the metal used in manufacturing the firearm, or the successful completion of the firing tests. Only firearms with a "length of barrel," as defined by M.G.L. c. 140, § 121, of less than three inches are required to complete the testing in M.G.L. c. 140, § 123, clause Twenty-first. For all other firearms, the term "testing requirements" shall refer only to clauses Eighteenth, Nineteenth, and Twentieth.

Weapon has the same meaning as "weapon" as defined in M.G.L. c. 140, § 121.

7.03: Development of Approved Firearms Roster

- (1) A firearm may be considered for placement on the Approved Firearms Roster only after the Secretary has received a final test report from an approved independent testing laboratory certifying that the specified firearm make and model has successfully completed all testing requirements in compliance with M.G.L. c. 140, § 123 and 501 CMR 7.00, or the Secretary has determined that the firearm is the functional equivalent of a previously approved firearm, or has been tested by another state which has identical testing requirements of the commonwealth, pursuant to 501 CMR 7.04.
- (2) The Secretary shall maintain a list of approved independent testing laboratories in accordance with 501 CMR 7.00. The Secretary may add or remove a testing laboratory from this list in accordance with 501 CMR 7.00.
  - (a) Such approved independent testing laboratory shall not be owned or operated by a firearms manufacturer or by an organization that seeks to promote or restrict firearms ownership.
  - (b) Any testing laboratory that seeks to be an approved independent testing laboratory shall provide information to the Secretary regarding its capabilities and objectivity.
- (3) The GCAB shall review the final test report and shall make a recommendation to the Secretary based on the documentation provided.
- (4) The Secretary shall then determine whether the firearm shall be placed on the Approved Firearms Roster.
  - (a) The Secretary shall notify, in writing, the manufacturer of a particular make and model of a firearm, whenever such make and model is approved for addition on the next published roster. This notice shall serve as certification that the particular make and model has been approved by the Secretary as being in compliance with M.G.L. c. 140, § 123.
  - (b) The Secretary shall also notify, in writing, the manufacturer of a particular make and model of a firearm, whenever such make and model is denied for addition on the Approved Firearms Roster.
- (5) The Secretary, upon his own initiative, or upon the advice of the GCAB, or through petition from an individual, may determine if a firearm shall be removed from the Approved Firearms Roster. The Secretary shall notify, in writing, the manufacturer of a particular make and model whenever a decision is made to remove such make and model from the Approved Firearms Roster.
- (6) The Executive Office of Public Safety shall maintain a list of all makes and models of firearms which have been approved by the Secretary. This list shall include firearms listed on the most recently published Approved Firearms Roster, and firearm makes and models which have been approved by the Secretary for inclusion on the next published roster. This list of approved firearms shall be maintained by the Executive Office of Public Safety on a publicly available web site, and a printed copy shall be available upon request.

7.04: Criteria for Placement on Approved Firearms Roster

(1) Testing. The testing of any firearm for placement on the Approved Firearms Roster shall be done by an approved independent testing laboratory. The approved independent testing laboratory shall, at the expense of the entity seeking to have the firearm placed on the Approved Firearms Roster, test the firearm in accordance with the testing requirements and submit a copy of the final test report directly to the Secretary and to the GCAB. Satisfactory completion of the required tests shall mean that a firearm make and model meets or exceeds the testing requirements of M.G.L. c. 140, § 123 and 501 CMR 7.00.

(2) Functional Equivalent. A firearm model shall be deemed to satisfy the testing requirements if another firearm model made by the same manufacturer is the functional design equivalent of a firearm model that has satisfactorily completed the required tests, provided that the approved independent testing laboratory certifies that the firearm model is the functional design equivalent of another model already tested, and provides a written explanation for its reasoning appended with all supporting documentation used to reach its conclusion to the Secretary and to the GCAB.

(3) Tests Required by Other States.

(a) If another state requires testing which is identical to the testing required by the Commonwealth of Massachusetts, and such testing is performed by an independent testing laboratory approved by the Secretary, a final test report from the approved independent testing laboratory to the Secretary and the GCAB that the specified firearm make and model satisfactorily completed all testing requirements in compliance with M.G.L. c. 140, § 123 will be sufficient for submission to the GCAB without performing the tests again.

(b) If another state requires testing which includes some tests identical to the testing required by the Commonwealth of Massachusetts, and such testing is performed by an independent testing laboratory approved by the Secretary, a final test report from the approved independent testing laboratory that the specified firearm make and model satisfactorily completed all testing requirements in compliance with M.G.L. c. 140, § 123 will be sufficient for submission to the GCAB without performing again the portions of the testing requirements already performed as part of the other state's requirements; provided, however, that any additional tests required by the commonwealth but not required by the other state are in fact performed by an approved independent testing laboratory.

7.05: Compliance with the Approved Roster by Licensees

Any licensee that sells, rents, leases, delivers or offers for sale, rent, lease, transfer or delivery any firearm not an approved firearm shall be considered in violation of M.G.L. c. 140, § 123, except for:

(a) The sale, rental, lease, transfer or delivery of an individual firearm as defined in 501 CMR 7.00 which was lawfully owned or possessed under a license as defined in M.G.L. c. 140, §§ 122, 129B, 131 and 131F prior to October 21, 1998;

(b) The delivery of a firearm to a licensed gunsmith for the purposes of service or repair of a firearm or the return of a firearm to its lawful owner after service or repair by a licensed gunsmith;

(c) The return of a firearm by a licensee to its lawful owner where that firearm was initially delivered to that licensee for the purpose of consignment; or

(d) The sale, rental, lease, transfer or delivery of a firearm listed on the Formal Target Shooting Firearms Roster.

7.06: Appeals for Inclusion on or Removal from the Approved Firearms Roster

(1) A person may petition the Secretary to place a firearm on or remove a firearm from the Approved Firearms Roster within 90 days of the Secretary's original denial or approval for inclusion on the Approved Firearms Roster.

(2) Said petition shall include a written explanation citing the rationale for the inclusion or removal of a firearm with all documentation used to justify the request appended thereto.

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- (3) The Secretary shall not consider the inclusion of a firearm on the roster unless the petition includes clear and convincing evidence from an approved independent testing laboratory.
- (4) The Secretary shall, within 45 days of receipt of a petition, notify the petitioner by certified mail whether the petition is approved or denied. If the petition is approved, the Secretary shall include the make and model of the firearm on its list of all approved firearms and on the next publication of the Approved Firearms Roster.

7.07: Form and Publication of the Approved Firearms Roster

The form of the Approved Firearms Roster shall contain the following information:

- (1) Title. Approved Firearms Roster.
- (2) Effective month and year of the publication.
- (3) Notice that the roster replaces all prior published rosters as follows: "This Roster Supersedes All Previous Rosters."
- (4) Notice of criteria for placement on the roster as follows: "This roster has been compiled in accordance with M.G.L. c. 140, § 131¾ and 501 CMR 7.00. It contains weapons determined by Massachusetts approved independent testing laboratories to have satisfactorily completed the testing requirements of M.G.L. c. 140, § 123, clauses Eighteenth, Nineteenth, Twentieth and Twenty-first. The reports resulting from said tests were reviewed by the Gun Control Advisory Board and those makes and models listed herein were subsequently approved by the Secretary of the Executive Office of Public Safety as having complied with the statutory handgun testing provisions of M.G.L. c. 140, § 123."
- (5) Notice of publication method as follows: "Modifications to this roster are likely to occur periodically, and licensees and law enforcement personnel should always utilize the most recent roster for the purpose of determining statutory compliance. The Approved Firearms Roster posted on the website of the Executive Office of Public Safety ([www.mass.gov/EOPS](http://www.mass.gov/EOPS)) will contain the most recently approved models."
- (6) Notice of the Regulations of the Office of the Attorney General as follows: "Massachusetts licensed firearms dealers should note that the transfers of handguns are also subject to the Attorney General's Handgun Sales Regulations, 940 CMR 16.00, *et seq.* Firearms on this Approved Firearms Roster do not necessarily comply with the requirements of the Attorney General's Handgun Sales Regulations. Information about 940 CMR 16.00, as well as the Enforcement Notice may be obtained from the Office of the Attorney General and may be accessed on the website of the Attorney General ([www.ago.state.ma.us](http://www.ago.state.ma.us))."

7.08: Development of a Large Capacity Weapons Roster

The Secretary shall develop and maintain, with the advice of the GCAB, a list of large capacity weapons, as defined by M.G.L. c. 140, § 121.

7.09: Criteria for Placement on Large Capacity Weapons Roster

The large capacity weapons roster shall contain a list of weapons approved by the Secretary, upon the advice of the GCAB, or other sources who have petitioned the Secretary, to have been originally manufactured as a large capacity weapon as defined by M.G.L. c. 140, § 121.

7.10: Large Capacity Weapons Not Listed

Weapons not listed on the Large Capacity Roster may also be large capacity weapons if they are semi-automatic, and are capable of accepting or readily modifiable to accept a large capacity feeding device. Weapons not listed on the Large Capacity Roster shall be considered large capacity weapons in accordance with M.G.L. c. 140, § 121, if they are capable of accepting a large capacity feeding device, or readily modifiable to accept a large capacity feeding device as defined by 501 CMR 7.02.

7.11: Form and Publication of the Large Capacity Weapons Roster

The form of the Large Capacity Weapons Roster shall contain the following information:

- (1) Title. Large Capacity Weapons Roster.
- (2) Effective month and year of the publication.
- (3) Notice that the roster replaces all prior published rosters as follows: "This Roster Supersedes All Previous Rosters."
- (4) Notice of criteria for placement on the roster as follows: "This roster has been compiled in accordance with M.G.L. c. 140, § 131¾. It contains weapons determined to have been originally manufactured for the civilian retail consumer market as large capacity weapons as defined by M.G.L. c. 140, § 121. Weapons not listed on this roster may also be large capacity weapons if they are semi-automatic and are capable of accepting or readily modifiable to accept a large capacity feeding device. Definitions of 'capable of accepting' and 'readily modifiable to accept' are defined in 501 CMR 7.02."
- (5) Notice of large capacity weapons and exemption as follows: "NOTE: Unless otherwise exempted by M.G.L. c. 140, § 121, the term 'large capacity weapon' shall apply to all semiautomatic weapons equipped with a large capacity feeding device, including any such weapons not listed on this roster."
- (6) Part I of the roster shall have the heading "Firearms – Class A LTC Required" followed by a list in order by manufacturers of large capacity firearms meeting the criteria for inclusion on the roster.
- (7) Part II of the roster shall have the heading "Rifles and Shotguns – Class A or B LTC Required" followed by a list in order by manufacturers of large capacity rifles and shotguns meeting the criteria for inclusion on the roster.

7.12: Development of the Formal Target Shooting Firearms Roster

The Secretary shall develop and maintain, with the advice of the GCAB, a list of those weapons designated as formal target shooting firearms as provided by M.G.L. c. 140, § 123.

7.13: Criteria for Placement on the Formal Target Shooting Firearms Roster

The Formal Target Shooting Firearms Roster shall contain firearms designated by the Secretary, with the advice of the GCAB, as solely designed and sold for formal target shooting competition. The GCAB shall make a recommendation as to whether a firearm should be placed on the Formal Target Shooting Firearms Roster using the following criteria:

- (1) In order for a firearm to be considered for placement on the Formal Target Shooting Roster:
  - (a) the firearm manufacturer shall submit a report to the GCAB that certifies by affidavit that the firearm is solely designed and sold for formal target shooting competition; and
  - (b) the report shall identify specifications and features of the firearm which make it a formal target shooting competition firearm, including but not limited to the component requirements listed in 501 CMR 7.13(5) that are a standard part of that model firearm.

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- (2) The firearm manufacturer shall submit to the GCAB either a list of the specific types of formal target shooting competition for which the firearm was designed and sold, or documentation indicating that the firearm is recognized by a national organization as a firearm used in formal target shooting competition.
- (3) Such manufacturer shall include any advertising or marketing materials sufficient to demonstrate that the firearm is solely sold for formal target shooting competition.
- (4) The firearm, if it is a pistol, must have a barrel length of at least five inches, and if it is a revolver, must have a barrel length of at least six inches.
- (5) The firearm must have match grade adjustable rear sights, or a match grade optical target sighting system.
- (6) The Firearm.
  - (a) if a pistol, must have four or more of the following components, all produced at match grade:
    1. A target trigger
    2. A custom or bull barrel
    3. A ported barrel or compensator
    4. A custom barrel bushing
    5. An adjusted, beveled or improved magazine well
    6. An extended or custom slide release button
    7. A target hammer
    8. A custom feed ramp
    9. A custom ejection port
    10. A custom extractor
    11. Target grips
    12. A trigger pull weight of less than four pounds; or
  - (b) if a revolver, must have three or more of the following components, all produced at match grade:
    1. A target trigger
    2. A custom or bull barrel
    3. A ported barrel or compensator
    4. A target hammer
    5. Target grips.
- (7) After receiving a recommendation from the GCAB, the Secretary shall determine whether the firearm shall be placed on the Formal Target Shooting Firearms Roster.
  - (a) The Secretary shall notify, in writing, the manufacturer of a particular make and model of a firearm, whenever such make and model is approved for addition on the next published roster. This notice shall serve as certification that the particular make and model has been approved by the Secretary as being in compliance with M.G.L. c. 140, § 123.
  - (b) The Secretary shall also notify, in writing, the manufacturer of a particular make and model of a firearm, whenever such make and model is denied for addition on the Formal Target Shooting Firearms Roster.

7.14: Appeals for Inclusion on the Formal Target Shooting Firearms Roster

- (1) Any person may petition the Secretary to place a firearm on or remove a firearm from the Formal Target Shooting Firearms Roster within ninety days of the Secretary's original denial or approval for inclusion on the Formal Target Shooting Firearms Roster.
- (2) Said petition shall include a written explanation citing the rationale for the inclusion or removal of a firearm with all documentation used to justify the request appended thereto.
- (3) The Secretary shall not consider the inclusion of a firearm on the roster unless the petition includes clear and convincing evidence that the firearm meets all of the criteria required in 501 CMR 7.13.

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(4) The Secretary shall, within 45 days of receipt of a petition, notify the petitioner by certified mail whether the petition is approved or denied. If the petition is approved, the Secretary shall include the make and model of the firearm on its list of Formal Target Shooting Firearms Roster.

7.15: Form and Publication of the Formal Target Shooting Firearms Roster

The Formal Target Shooting Firearms Roster shall be published bi-annually and shall be available on the public website of the Criminal History Systems Board. It shall contain the following information:

- (1) Title. Formal Target Shooting Firearms Roster.
- (2) Effective month and year of the publication.
- (3) Notice that the roster replaces all prior published rosters as follows: "This Roster Supersedes All Previous Rosters."
- (4) Notice of criteria for placement on the roster as follows: "This roster has been compiled in accordance with M.G.L. c. 140, § 123 and 501 CMR 7.00. It contains firearms which are exempt from the testing requirements described in M.G.L. c. 140, § 123, clauses Eighteenth, Nineteenth, Twentieth and Twenty-first, and which may be sold by Massachusetts licensees pursuant to M.G.L. c. 140, § 123 and 940 CMR 16.00: *Handgun Sales*. The makes and models listed herein were reviewed by the GCAB and subsequently designated by the Secretary of the Executive Office of Public Safety as being solely designed and sold for formal target shooting competitions."
- (5) Notice of publication method as follows: "Modifications to this roster are likely to occur periodically, and Massachusetts licensees and law enforcement personnel should always utilize the most recent roster for the purpose of determining statutory compliance. The Formal Target Shooting Firearms Roster posted on the website of the Executive Office of Public Safety ([www.mass.gov/EOPS](http://www.mass.gov/EOPS)) will contain the most recently approved models."

7.16: Severability

If any article, section, subsection, sentence, clause or phrase of 501 CMR 7.00 *et seq.* is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 7.00 *et seq.*

REGULATORY AUTHORITY

501 CMR 7.00: M.G.L. c. 140, §§ 123 and 131¾.