

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3144

By: West (Kevin), Olsen,
Roberts (Sean), Gann and
McDugle of the House

and

Murdock of the Senate

[firearms - specifying the type of entities that
must comply with certain contract requirements -
effective date]

14 AUTHOR: Add the following Senate Coauthors: Jett, Bullard,
15 Bergstrom, Leewright, David, Stephens, Rogers, and Merrick

16 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
17 and entire bill and insert

18 "An Act relating to firearms; defining terms;
19 specifying the type of entities providing for
20 application of provisions to certain contracts;
21 prohibiting governmental entities from contracting
22 with companies without certain written verification;
23 stating specifics of written verification; providing
24 exceptions; allowing the Office of Management and
Enterprise Services Central Purchasing Division to
provide advice to governmental entities; providing
for codification; and providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 85.44F of Title 74, unless there
4 is created a duplication in numbering, reads as follows:
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6 A. As used in this section:

7 1. "Ammunition" means a loaded cartridge or shot shell, case,
8 primer, projectile, or propellant powder;

9 2. "Company" means a for-profit organization, association,
10 corporation, partnership, joint venture, limited partnership,
11 limited liability partnership, or limited liability company
12 including a wholly owned subsidiary, majority-owned subsidiary,
13 parent company, or an affiliate of those entities or associations
14 that exists to make a profit. The term does not include a sole
15 proprietorship;

16 3. "Discriminate against a firearm entity or firearm trade
17 association" means, with respect to the entity or association, to:

18 a. refuse to engage in the trade of any goods or services
19 with the entity or association based solely on its
20 status as a firearm entity or firearm trade
21 association,

22 b. refrain from continuing an existing business
23 relationship with the entity or association based
24

1 solely on its status as a firearm entity or firearm
2 trade association, or

3 c. terminate an existing business relationship with the
4 entity or association based solely on its status as a
5 firearm entity or firearm trade association.

6 The term does not include the policies of a merchant, retail
7 seller, or platform that restrict or prohibit the listing or selling
8 of ammunition, firearms, or firearm accessories. The term also does
9 not include a company's refusal to engage in the trade of any goods
10 or services, decision to refrain from continuing an existing
11 business relationship, or decision to terminate an existing business
12 relationship to comply with federal, state, or local laws, policies,
13 or regulations or a directive by a regulatory agency, or for any
14 traditional business reason that is specific to the customer or
15 potential customer and not based solely on the status of an entity
16 or association as a firearm entity or firearm trade association;

17 4. "Firearm" means a weapon that expels a projectile by the
18 action of explosive or expanding gases;

19 5. "Firearm accessory" means a device specifically designed or
20 adapted to enable an individual to wear, carry, store, or mount a
21 firearm on the individual or on a conveyance and an item used in
22 conjunction with or mounted on a firearm that is not essential to
23 the basic function of the firearm. The term includes a detachable
24 firearm magazine;

1 6. "Firearm entity" means:

- 2 a. a firearm, firearm accessory or ammunition
3 manufacturer, distributor, wholesaler, supplier, or
4 retailer, and
5 b. a gun range;

6 7. "Firearm trade association" means any person, corporation,
7 unincorporated association, federation, business league, or business
8 organization that:

- 9 a. is not organized or operated for profit and for which
10 none of its net earnings inures to the benefit of any
11 private shareholder or individual,
12 b. has two or more firearm entities as members, and
13 c. is exempt from federal income taxation under Section
14 501(a), Internal Revenue Code of 1986, as an
15 organization described by Section 501(c) of that code;

16 8. "Governmental entity" means any branch, department, agency,
17 or instrumentality of state government, or any official or other
18 person acting under color of state law, or any political subdivision
19 of this state; and

20 9. "Sole-source supplier" means one supplier that can provide a
21 particular product, part, or service.

22 B. The provisions of this section shall apply only to a
23 contract that:

1 1. Is between a governmental entity and a company with at least
2 ten (10) full-time employees; and

3 2. Has a value of at least One Hundred Thousand Dollars
4 (\$100,000.00) that is paid wholly or partly from public funds of the
5 governmental entity.

6 C. Except as provided by subsection D of this section, a
7 governmental entity may not enter into a contract with a company for
8 the purchase of goods or services unless the contract contains a
9 written verification from the company that it:

10 1. Does not have a practice, policy, guidance, or directive
11 that discriminates against a firearm entity or firearm trade
12 association; and

13 2. Will not discriminate during the term of the contract
14 against a firearm entity or firearm trade association.

15 D. The provisions of subsection C of this section shall not
16 apply to a governmental entity that:

17 1. Contracts with a sole-source supplier; or

18 2. Utilizes a statewide contract awarded by the Office of
19 Management and Enterprise Services Central Purchasing Division.

20 E. The Office of Management and Enterprise Services Central
21 Purchasing Division may provide advice to governmental entities that
22 may be subject to the provisions of this act.

23 SECTION 2. This act shall become effective November 1, 2022.”
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1 Passed the Senate the 27th day of April, 2022.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 3144

By: West (Kevin), Olsen,
3 Roberts (Sean), Gann and
4 McDugle of the House

and

5 Murdock of the Senate

6
7
8 [firearms - specifying the type of entities that
9 must comply with certain contract requirements -
10 effective date]

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
16 there is created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Ammunition" means a loaded cartridge or shot shell, case,
19 primer, projectile, or propellant powder;

20 2. "Company" means a for-profit organization, association,
21 corporation, partnership, joint venture, limited partnership,
22 limited liability partnership, or limited liability company,
23 including a wholly owned subsidiary, majority-owned subsidiary,
24 parent company, or an affiliate of those entities or associations

1 that exists to make a profit. The term does not include a sole
2 proprietorship;

3 3. "Discriminate against a firearm entity or firearm trade
4 association" means, with respect to the entity or association, to:

5 a. refuse to engage in the trade of any goods or services
6 with the entity or association based solely on its
7 status as a firearm entity or firearm trade
8 association,

9 b. refrain from continuing an existing business
10 relationship with the entity or association based
11 solely on its status as a firearm entity or firearm
12 trade association, or

13 c. terminate an existing business relationship with the
14 entity or association based solely on its status as a
15 firearm entity or firearm trade association.

16 The term does not include the established policies of a
17 merchant, retail seller, or platform that restrict or prohibit the
18 listing or selling of ammunition, firearms, or firearm accessories.
19 The term also does not include a company's refusal to engage in the
20 trade of any goods or services, decision to refrain from continuing
21 an existing business relationship, or decision to terminate an
22 existing business relationship to comply with federal, state, or
23 local laws, policies, or regulations or a directive by a regulatory
24 agency, or for any traditional business reason that is specific to

1 the customer or potential customer and not based solely on the
2 status of an entity or association as a firearm entity or firearm
3 trade association;

4 4. "Firearm" means a weapon that expels a projectile by the
5 action of explosive or expanding gases;

6 5. "Firearm accessory" means a device specifically designed or
7 adapted to enable an individual to wear, carry, store, or mount a
8 firearm on the individual or on a conveyance and an item used in
9 conjunction with or mounted on a firearm that is not essential to
10 the basic function of the firearm. The term includes a detachable
11 firearm magazine;

12 6. "Firearm entity" means:

13 a. a firearm, firearm accessory or ammunition
14 manufacturer, distributor, wholesaler, supplier, or
15 retailer, and

16 b. a gun range;

17 7. "Firearm trade association" means any person, corporation,
18 unincorporated association, federation, business league, or business
19 organization that:

20 a. is not organized or operated for profit and for which
21 none of its net earnings inures to the benefit of any
22 private shareholder or individual,

23 b. has two or more firearm entities as members, and
24

1 c. is exempt from federal income taxation under Section
2 501(a), Internal Revenue Code of 1986, as an
3 organization described by Section 501(c) of that code;

4 8. "Governmental entity" means any branch, department, agency,
5 or instrumentality of state government, or any official or other
6 person acting under color of state law, or any political subdivision
7 of this state; and

8 9. "Sole-source provider" means a provider that alone fulfills
9 the needs of a governmental entity for a particular product, part,
10 or service.

11 B. The provisions of this section shall apply only to a
12 contract that:

13 1. Is between a governmental entity and a company with at least
14 ten (10) full-time employees; and

15 2. Has a value of at least One Hundred Thousand Dollars
16 (\$100,000.00) that is paid wholly or partly from public funds of the
17 governmental entity.

18 C. Except as provided by subsection D of this section, a
19 governmental entity may not enter into a contract with a company for
20 the purchase of goods or services unless the contract contains a
21 written verification from the company that it:

22 1. Does not have a practice, policy, guidance, or directive
23 that discriminates against a firearm entity or firearm trade
24 association; and

1 2. Will not discriminate during the term of the contract
2 against a firearm entity or firearm trade association.

3 D. The provisions of subsection C of this section shall not
4 apply to a governmental entity that:

5 1. Contracts with a sole-source provider; or

6 2. Does not receive a bid from a company that is able to
7 provide the written verification required by subsection C of this
8 section.

9 E. The Director of the Office of Management and Enterprise
10 Services shall provide oversight of and advice to governmental
11 entities that may be subject to the provisions of this act.

12 SECTION 4. This act shall become effective November 1, 2022.

13 Passed the House of Representatives the 23rd day of March, 2022.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2022.

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Presiding Officer of the Senate

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