

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3144

By: West (Kevin)

4
5
6 AS INTRODUCED

7 An Act relating to firearms; defining terms;
8 specifying the type of entities that must comply with
9 certain contract requirements; prohibiting
10 governmental entities from contracting with companies
11 unless contracts contain certain written
12 verification; stating specifics of written
13 verification; providing an exception for specific
14 governmental entities; providing for codification;
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
19 there is created a duplication in numbering, reads as follows:

20 A. As used in this section:

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

23 2. "Company" means a for-profit organization, association,
24 corporation, partnership, joint venture, limited partnership,
including a wholly owned subsidiary, majority-owned subsidiary,

1 parent company, or affiliate of those entities or associations that
2 exists to make a profit. The term does not include a sole
3 proprietorship;

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

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

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

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

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

1 agency, or for any traditional business reason that is specific to
2 the customer or potential customer and not based solely on the
3 status of an entity or association as a firearm entity or firearm
4 trade association;

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

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

13 6. "Firearm entity" means:

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

17 b. a gun range;

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

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

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

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 and

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

9 B. The provisions of this section apply only to a contract
10 that:

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

13 2. Has a value of at least One Hundred Thousand Dollars
14 (\$100,000.00) that is paid wholly or partly from public funds of the
15 governmental entity.

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

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

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

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

- 3 1. Contracts with a sole-source provider; or
- 4 2. Does not receive a bid from a company that is able to
5 provide the written verification required by subsection C of this
6 section.

7 SECTION 2. This act shall become effective November 1, 2022.

8

9 58-2-10204 GRS 01/10/22

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24