

1 **SENATE FLOOR VERSION**

2 February 27, 2025

3 SENATE BILL NO. 16

By: Bergstrom and Bullard of  
the Senate

4 and

5 West (Kevin) of the House

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8  
9 An Act relating to financial institutions; creating  
10 the Oklahoma Second Amendment Financial Privacy Act;  
11 providing short title; defining terms; prohibiting  
12 collection of certain financial records; providing an  
13 exception; prohibiting use of certain code to engage  
14 in discriminatory conduct; authorizing the Attorney  
15 General to perform certain investigations and provide  
16 notice for violation; providing for violation;  
17 prescribing certain remedy for repeated violation;  
18 authorizing Attorney General to enforce provisions of  
19 this act; allowing certain defense; providing for  
20 codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 6-600 of Title 14A, unless there  
24 is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Second  
Amendment Financial Privacy Act".

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6-600.1 of Title 14A, unless  
3 there is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Ammunition" means ammunition or cartridge cases, primers,  
6 bullets, or propellant powder designed for use in any firearm;

7 2. "Assign" or "assignment" refers to a covered entity's  
8 policy, process, or practice that labels, links, or otherwise  
9 associates a merchant category code with a merchant or a payment  
10 card transaction in a manner that allows the covered entity or any  
11 other entity facilitating or processing the payment card transaction  
12 to identify whether a merchant is a firearm retailer or whether a  
13 transaction involves the sale of firearms or ammunition;

14 3. "Covered entity" means an entity, or agent of an entity,  
15 that establishes a relationship with a retailer for the purpose of  
16 processing credit, debit, or prepaid transactions;

17 4. "Firearm" has the same meaning as in Section 1289.1 et seq.  
18 of Title 21 of the Oklahoma Statutes;

19 5. "Firearm retailer" means any person or entity that is  
20 physically located in this state and is engaged in the lawful  
21 selling or trading of firearms, antique firearms, or ammunition to  
22 be used in firearms or antique firearms;

23 6. "Government entity" means any state agency or political  
24 subdivision, or agency thereof, located in this state;

1       7. "Merchant category code" means the code, approved by the  
2 international organization for standardization, or an equivalent  
3 successor organization specifically for firearm retailers, that is  
4 assigned to a retailer based on the types of goods and services  
5 offered to a retailer's customers;

6       8. "Payment card" means credit card, charge card, debit card,  
7 or any other card that is issued to a customer and allows the  
8 customer to purchase goods or services from a merchant;

9       9. "Payment card network" means an entity, or agent of the  
10 entity, that provides the proprietary services, infrastructure, and  
11 software to conduct credit or debit card transaction authorizations,  
12 clearances, and settlements and that another entity uses to accept  
13 as a form of payment a brand of credit card, debit card, or other  
14 devices that may be used to carry out credit or debit transactions;  
15 and

16       10. "Payment card transaction" means any transaction in which a  
17 payment card is accepted as payment.

18       SECTION 3.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 6-600.2 of Title 14A, unless  
20 there is created a duplication in numbering, reads as follows:

21       A. Except for those records kept during the regular course of a  
22 criminal investigation and prosecution, or as otherwise required by  
23 law, no government entity or official and no agent or employee of a  
24 government entity shall knowingly keep or cause to be kept any list,

1 record, or registry of privately owned firearms or the owners of  
2 those firearms.

3 B. A payment card network shall not require or incentivize the  
4 use of a merchant category code in a manner that distinguishes a  
5 firearm retailer from other retailers.

6 C. A covered entity shall not assign a firearm retailer a  
7 merchant category code that distinguishes the firearm retailer from  
8 other retailers.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 6-600.3 of Title 14A, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. The Attorney General shall investigate reasonable  
13 allegations that a person, entity, or government entity has violated  
14 the provisions of this act and, upon finding violation, provide  
15 written notice to the person, entity, or government entity alleged  
16 to have committed the violation. The person, entity, or government  
17 entity shall cease the violation within thirty (30) business days  
18 after receiving written notice from the Attorney General pursuant to  
19 this section.

20 B. 1. If a person, entity, or government entity does not cease  
21 the violation within the thirty (30) business days after receiving  
22 written notice from the Attorney General pursuant to this section,  
23 the Attorney General shall file an action against that person,  
24 entity, or government entity.

1        2. If the court finds the person, entity, or government entity  
2 violated the provisions of this act and has not ceased the activity  
3 constituting the violation, the court shall enjoin the person,  
4 entity, or government entity from continuing such activity and shall  
5 award attorney fees and costs.

6        3. If a person, entity, or government entity purposely fails to  
7 comply with an injunction issued pursuant to paragraph 2 of this  
8 subsection after thirty (30) business days of being served with the  
9 injunction, the Attorney General, upon petition to the court, shall  
10 seek to impose on that person, entity, or government entity a civil  
11 fine in an amount not to exceed One Thousand Dollars (\$1,000.00) per  
12 violation. In assessing such a civil fine, the court shall consider  
13 factors resulting from the violation, including the financial  
14 resources of the violator and the harm or risk of harm to the rights  
15 provided under this act and Section 26 of Article II of the Oklahoma  
16 Constitution.

17        4. Any order assessing a civil fine pursuant to paragraph 3 of  
18 this subsection shall be stayed pending appeal of the order.

19        C. The Attorney General has exclusive authority to enforce the  
20 provisions of this act. The remedies set forth in this section are  
21 the exclusive remedies of any violation of this act.

22        D. It shall be a defense to a proceeding initiated pursuant to  
23 this section that a merchant category code was required to be  
24 permitted or assigned by law.

1 SECTION 5. This act shall become effective November 1, 2025.

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
3 February 27, 2025 - DO PASS  
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