

1 ENGROSSED HOUSE
2 BILL NO. 2218

By: West (Kevin) of the House

3 and

4 Bergstrom of the Senate

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6
7 An Act relating to firearms; defining terms;
8 specifying types of entities that must comply with
9 certain contractual requirements; prohibiting
10 governmental entities from contracting with companies
11 under certain circumstances; stating specifics of
12 written verification; providing an exception for
13 specific governmental entities; requiring the
14 Director of the Office of Management and Enterprise
15 Services to provide oversight and advice to
16 governmental entities; providing for codification;
17 and providing an effective date.

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

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

22 A. As used in this section:

23 1. "Ammunition" means a loaded cartridge or shot shell, case,
24 primer, projectile, wadding, or propellant powder;

2. "Company" means a for-profit organization, association,
corporation, partnership, joint venture, limited partnership,
limited liability partnership, or limited liability company,

1 including a wholly owned subsidiary, majority-owned subsidiary,
2 parent company, or an affiliate of those entities or associations
3 that exists to make a profit. The term does not include a sole
4 proprietorship;

5 3. "Contract" means a promise or set of promises constituting
6 an agreement between the parties that gives each a legal duty to the
7 other and also the right to seek a remedy for the breach of those
8 duties, but does not include an agreement related to investment
9 services;

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

- 12 a. refuse to engage in the trade of any goods or services
13 with the entity or association based solely on its
14 status as a firearm entity or firearm trade
15 association, which includes the lawful products and
16 services and lawful practices provided by the firearm
17 entity or firearm trade association,
- 18 b. refrain from continuing an existing business
19 relationship with the entity or association based
20 solely on its status as a firearm entity or firearm
21 trade association, which includes the lawful products
22 and services and lawful practices provided by the
23 firearm entity or firearm trade association, or
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1 c. terminate an existing business relationship with the
2 entity or association based solely on its status as a
3 firearm entity or firearm trade association, which
4 includes the lawful products and services and lawful
5 practices provided by the firearm entity or firearm
6 trade association.

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

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

23 6. "Firearm accessory" means a device specifically designed or
24 adapted to enable an individual to wear, carry, store, or mount a

1 firearm on the individual or on a conveyance and an item used in
2 conjunction with or mounted on a firearm that is not essential to
3 the basic function of the firearm. The term includes a detachable
4 firearm magazine;

5 7. "Firearm entity" means:

6 a. a firearm, firearm accessory or ammunition
7 manufacturer, distributor, wholesaler, supplier, or
8 retailer, and

9 b. a gun range;

10 8. "Firearm trade association" means any person, corporation,
11 unincorporated association, federation, business league, or business
12 organization that:

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

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

17 c. is exempt from federal income taxation under Section
18 501(a), Internal Revenue Code of 1986, as an
19 organization described by Section 501(c) of that code;

20 9. "Governmental entity" means any branch, department, agency,
21 or instrumentality of state government, or any official or other
22 person acting under color of state law, or any political subdivision
23 of this state; and

1 10. "Sole-source provider" means a supplier who provides goods
2 or services of a unique nature or goods or services that are solely
3 available through the supplier and the supplier is the only
4 practicable source to provide such goods or services.

5 B. The provisions of this section shall apply only to a
6 contract that:

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

9 2. Has a value of at least One Hundred Thousand Dollars
10 (\$100,000.00) that is paid wholly or partly from public funds of the
11 governmental entity.

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

16 1. Does not have a practice, policy, guidance, or directive
17 that discriminates against a firearm entity or firearm trade
18 association; and

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

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

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

4 E. The Central Purchasing Division of the Office of Management
5 and Enterprise Services shall have the authority and responsibility
6 of reviewing state governmental contracts to confirm that the
7 required documents of subsection C of this section have been
8 provided.

9 F. A government entity shall utilize its current methods of
10 processing and analyzing the provisions within a contractual
11 agreement and shall confirm that the required written verification,
12 provided for in subsection C of this section, has been included and
13 made a part of the contractual agreement.

14 G. The provisions of this section shall only apply to financial
15 institutions that have Fifty Billion Dollars (\$50,000,000,000.00) or
16 more in assets.

17 SECTION 2. This act shall become effective November 1, 2023.
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1 Passed the House of Representatives the 22nd day of March, 2023.

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3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate