

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4   HOUSE BILL 2218

                              By: West (Kevin)

7                               AS INTRODUCED

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

23           2.   "Company" means a for-profit organization, association,  
24   corporation, partnership, joint venture, limited partnership,

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

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

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

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

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  
24

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  
24

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 requirements of subsection C of this section have been satisfied.

8        SECTION 2. This act shall become effective November 1, 2023.

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10 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND  
11 PENSIONS, dated 02/27/2023 - DO PASS.  
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