

# SENATE BILL No. 397

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-22-24.

**Synopsis:** Discrimination against firearm entities. Defines a "firearm entity" as any of the following: (1) A manufacturer, wholesaler, distributor, supplier, or retailer of firearms, firearms accessories, or ammunition. (2) An entity that operates an area for target or other recreational shooting. (3) A firearm trade association. Prohibits a governmental entity from entering into a contract with a company for the purchase of goods or services unless the contract includes a written attestation by the company that: (1) the company does not have a practice, policy, guidance, or directive that discriminates against a firearm entity based solely on the entity's status as a firearm entity; and (2) during the term of the contract, the company will not discriminate against a firearm entity based solely on the entity's status as a firearm entity. Provides that, with certain exceptions, the bill's provisions apply to a contract that: (1) has a value of at least \$100,000; (2) is to be paid partly or wholly from public funds; (3) is between a governmental entity and a company with at least 10 full-time employees; and (4) is entered into after June 30, 2022. Specifies actions that constitute discrimination against a firearm entity for purposes of these provisions.

**Effective:** July 1, 2022.

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January 12, 2022, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# SENATE BILL No. 397

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-22-24 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2022]:

4 **Chapter 24. Purchasing Contracts; Discrimination Against**  
5 **Firearm Entities Prohibited**

6 **Sec. 1. As used in this chapter, "ammunition" means:**

- 7 (1) a loaded cartridge case;
- 8 (2) a primer;
- 9 (3) a bullet; or
- 10 (4) propellant powder;

11 with or without a projectile.

12 **Sec. 2. (a) As used in this chapter, "company" means any of the**  
13 **following that exists to make a profit:**

- 14 (1) An organization.
- 15 (2) An association.
- 16 (3) A corporation.
- 17 (4) A partnership.



- 1 (5) A joint venture.
- 2 (6) A limited partnership.
- 3 (7) A limited liability partnership.
- 4 (8) A limited liability company.

5 (b) The term includes any wholly owned subsidiary, majority  
6 owned subsidiary, parent company, or affiliate of an entity or  
7 association that exists to make a profit.

8 (c) The term does not include a sole proprietorship.

9 Sec. 3. As used in this chapter, "firearm" means a weapon that  
10 expels a projectile by the action of explosive or expanding gases.

11 Sec. 4. As used in this chapter, "firearm accessory" means:

- 12 (1) a device specifically designed or adapted to enable an  
13 individual to wear, carry, store, or mount a firearm on the  
14 individual or on a conveyance; or
- 15 (2) an item used in conjunction with or mounted on a firearm  
16 that is not essential to the basic function of the firearm,  
17 including a detachable firearm magazine.

18 Sec. 5. As used in this chapter, "firearm entity" means any of  
19 the following:

20 (1) A:

- 21 (A) manufacturer;
- 22 (B) wholesaler;
- 23 (C) distributor;
- 24 (D) supplier; or
- 25 (E) retailer;

26 of firearms, firearms accessories, or ammunition.

27 (2) A business establishment, private club, or association that  
28 operates an area:

- 29 (A) for the discharge or other use of firearms for  
30 silhouette, skeet, trap, black powder, target, self-defense,  
31 or other recreational shooting; and
- 32 (B) at which at least twenty (20) individuals discharge  
33 firearms in a calendar year.

34 (3) A firearm trade association.

35 Sec. 6. As used in this chapter, "firearm trade association"  
36 means any person, corporation, unincorporated association,  
37 federation, business league, or professional or business  
38 organization that:

- 39 (1) is not organized or operated for profit and no part of the  
40 net earnings of which inures to the benefit of any private  
41 shareholder or individual;
- 42 (2) is an organization:



- 1                   (A) described in 26 U.S.C. 501(c)(6); and  
 2                   (B) exempt from federal income taxation under 26 U.S.C.  
 3                   501(a); and  
 4                   (3) has as members two (2) or more persons described in  
 5                   section 5(1) or 5(2) of this chapter.  
 6           Sec. 7. As used in this chapter, "governmental entity" means  
 7           any of the following:  
 8                   (1) Any authority, board, branch, commission, committee,  
 9                   department, division, instrumentality, or officer of the  
 10                  executive, including the administrative, department of state  
 11                  government.  
 12                  (2) A state educational institution.  
 13                  (3) A political subdivision (as defined in IC 36-1-2-13) or an  
 14                  officer or instrumentality of a political subdivision (as defined  
 15                  in IC 36-1-2-13).  
 16                  (4) A body corporate and politic created by statute.  
 17           Sec. 8. (a) Except as provided in subsection (c), this section  
 18           applies to a contract that:  
 19                   (1) has a value of at least one hundred thousand dollars  
 20                   (\$100,000);  
 21                   (2) is to be paid partly or wholly from public funds;  
 22                   (3) is between a governmental entity and a company with at  
 23                   least ten (10) full-time employees; and  
 24                   (4) is entered into after June 30, 2022.  
 25           (b) A governmental entity shall not enter into a contract with a  
 26           company for the purchase of goods or services unless the contract  
 27           includes a written attestation by the company that:  
 28                   (1) the company does not have a practice, policy, guidance, or  
 29                   directive that discriminates against a firearm entity based  
 30                   solely on the entity's status as a firearm entity; and  
 31                   (2) during the term of the contract, the company will not  
 32                   discriminate against a firearm entity based solely on the  
 33                   entity's status as a firearm entity.  
 34           (c) Subsection (b) does not apply to a contract described in  
 35           subsection (a) if:  
 36                   (1) the contract is between a governmental entity and a  
 37                   sole-source provider of the goods or services being purchased;  
 38                   or  
 39                   (2) the governmental entity does not receive any bids from a  
 40                   company that is able to provide the attestation described in  
 41                   subsection (b).  
 42           (d) Except as provided in subsection (e), for purposes of this



1 section, a company discriminates against a firearm entity if the  
2 company:

3 (1) Refuses to engage in the trade of any goods or services  
4 with the firearm entity based solely on its status as a firearm  
5 entity.

6 (2) Refrains from continuing an existing business relationship  
7 with the firearm entity based solely on its status as a firearm  
8 entity.

9 (3) Terminates an existing business relationship with the  
10 firearm entity based solely on its status as a firearm entity.

11 (e) For purpose of this section, a company does not discriminate  
12 against a firearm entity if the company takes an action described  
13 in subsection (d)(1), (d)(2), or (d)(3) for any of the following  
14 reasons:

15 (1) To comply with:

16 (A) a federal, state, or local law or policy; or

17 (B) a directive by a regulator.

18 (2) For any traditional business reason that is specific to the  
19 customer or potential customer and not based solely on the  
20 customer's status as a firearm entity.

21 (f) This section shall not be construed to require a company that  
22 is a merchant, retail seller, or sales platform to sell or offer for sale  
23 ammunition, firearms, or firearm accessories.

