

SENATE BILL NO. 1397

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3291S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to firearms discrimination.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 34, RSMo, is amended by adding thereto
2 one new section, to be known as section 34.750, to read as
3 follows:

34.750. 1. As used in this section, the following
2 terms mean:

3 (1) "Ammunition", a loaded cartridge or shot shell
4 case, primer, projectile, wadding, or propellant powder with
5 or without a projectile;

6 (2) "Company", a for-profit organization, association,
7 corporation, partnership, joint venture, limited
8 partnership, limited liability partnership, or limited
9 liability company, including a wholly owned subsidiary,
10 majority-owned subsidiary, parent company, or affiliate of
11 those entities or associations that exists to make a profit,
12 not including a sole proprietorship;

13 (3) "Discriminate", refusing to engage in the trade of
14 any goods or services with an entity or association based
15 solely on its status as a firearm entity or firearm trade
16 association, refraining from continuing an existing business
17 relationship with the entity or association based solely on
18 its status as a firearm entity or firearm trade association,

19 or terminating an existing business relationship with the
20 entity or association based solely on its status as a
21 firearm entity or firearm trade association which includes
22 the lawful products and services provided by and lawful
23 practices of firearm entities and firearm trade
24 associations. This term shall not include when the
25 established policies of a merchant, retail seller, or
26 platform restricts or prohibits the listing or selling of
27 ammunition, firearms, or firearm accessories or when a
28 company's refusal to engage in the trade of any goods or
29 services, decision to refrain from continuing an existing
30 business relationship, or decision to terminate an existing
31 business relationship is to comply with federal, state, or
32 local law, policy, or regulation or a directive by a
33 regulatory agency or for any traditional business reason
34 that is specific to the customer or potential customer and
35 not based solely on an entity's or association's status as a
36 firearm entity or firearm trade association which includes
37 the lawful products and services provided by and lawful
38 practices of firearm entities and firearm trade associations;

39 (4) "Firearm", a weapon that expels a projectile by
40 the action of explosive or expanding gases;

41 (5) "Firearm accessory", a device specifically
42 designed or adapted to enable an individual to wear, carry,
43 store, or mount a firearm on the individual or on a
44 conveyance and an item used in conjunction with or mounted
45 on a firearm that is not essential to the basic function of
46 the firearm. This term includes a detachable firearm
47 magazine;

48 (6) "Firearm entity", a firearm, firearm accessory, or
49 ammunition manufacturer, distributor, wholesaler, supplier,
50 retailer, or a sport shooting range;

51 (7) "Firearm trade association", any person,
52 corporation, unincorporated association, federation,
53 business league, or business organization that:

54 (a) Is not organized or operated for profit and for
55 which none of its net earnings inures to the benefit of any
56 private shareholder or individual;

57 (b) Has two or more firearm entities as members; and

58 (c) Is exempt from federal income taxation under
59 Section 501(a) of the United States Internal Revenue Code of
60 1986, as an organization described by Section 501(c) of that
61 code;

62 (8) "Public entity", as defined in section 34.600.

63 2. This section applies only to a contract that:

64 (1) Is between a public entity and a company with at
65 least ten full-time employees; and

66 (2) Has a value of at least one hundred thousand
67 dollars that is paid wholly or partly from public funds of
68 the public entity.

69 3. Except as provided in subsection 4 of this section
70 and section 34.755, a public entity shall not enter into a
71 contract with a company for the purchase of goods or
72 services unless the contract contains a written verification
73 from the company that it:

74 (1) Does not have a practice, policy, guidance, or
75 directive that discriminates against a firearm entity or
76 firearm trade association; and

77 (2) Shall not discriminate during the term of the
78 contract against a firearm entity or firearm trade
79 association.

80 4. This section shall not apply to a public entity
81 that:

82 (1) Contracts with a sole-source provider; or

83 (2) Does not receive a bid from a company that is able
84 to provide the written verification required by subsection 2
85 of this section.

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