

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3144

By: West (Kevin) and **Olsen** of
the House

and

Murdock of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to firearms; defining terms;
13 specifying the type of entities that must comply with
14 certain contract requirements; prohibiting
15 governmental entities from contracting with companies
16 unless contracts contain certain written
17 verification; stating specifics of written
18 verification; providing an exception for specific
19 governmental entities; requiring the Director of the
20 Office of Management and Enterprise Services to
21 provide oversight and advice to governmental
22 entities; providing for codification; and providing
23 an effective date.

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

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

A. As used in this section:

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

3 2. "Company" means a for-profit organization, association,
4 corporation, partnership, joint venture, limited partnership,
5 limited liability partnership, or limited liability company,
6 including a wholly owned subsidiary, majority-owned subsidiary,
7 parent company, or an affiliate of those entities or associations
8 that exists to make a profit. The term does not include a sole
9 proprietorship;

10 3. "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,
- 16 b. refrain from continuing an existing business
17 relationship with the entity or association based
18 solely on its status as a firearm entity or firearm
19 trade association, or
- 20 c. terminate an existing business relationship with the
21 entity or association based solely on its status as a
22 firearm entity or firearm trade association.

23 The term does not include the established policies of a
24 merchant, retail seller, or platform that restrict or prohibit the

1 listing or selling of ammunition, firearms, or firearm accessories.
2 The term also does not include a company's refusal to engage in the
3 trade of any goods or services, decision to refrain from continuing
4 an existing business relationship, or decision to terminate an
5 existing business relationship to comply with federal, state, or
6 local laws, policies, or regulations or a directive by a regulatory
7 agency, or for any traditional business reason that is specific to
8 the customer or potential customer and not based solely on the
9 status of an entity or association as a firearm entity or firearm
10 trade association;

11 4. "Firearm" means a weapon that expels a projectile by the
12 action of explosive or expanding gases;

13 5. "Firearm accessory" means a device specifically designed or
14 adapted to enable an individual to wear, carry, store, or mount a
15 firearm on the individual or on a conveyance and an item used in
16 conjunction with or mounted on a firearm that is not essential to
17 the basic function of the firearm. The term includes a detachable
18 firearm magazine;

19 6. "Firearm entity" means:

- 20 a. a firearm, firearm accessory or ammunition
21 manufacturer, distributor, wholesaler, supplier, or
22 retailer, and
23 b. a gun range;

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1 7. "Firearm trade association" means any person, corporation,
2 unincorporated association, federation, business league, or business
3 organization that:

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

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

8 c. is exempt from federal income taxation under Section
9 501(a), Internal Revenue Code of 1986, as an

10 organization described by Section 501(c) of that code;

11 8. "Governmental entity" means any branch, department, agency,
12 or instrumentality of state government, or any official or other
13 person acting under color of state law, or any political subdivision
14 of this state; and

15 9. "Sole-source provider" means a provider that alone fulfills
16 the needs of a governmental entity for a particular product, part,
17 or service.

18 B. The provisions of this section shall apply only to a
19 contract that:

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

22 2. Has a value of at least One Hundred Thousand Dollars
23 (\$100,000.00) that is paid wholly or partly from public funds of the
24 governmental entity.

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

5 1. Does not have a practice, policy, guidance, or directive
6 that discriminates against a firearm entity or firearm trade
7 association; and

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

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

12 1. Contracts with a sole-source provider; or

13 2. Does not receive a bid from a company that is able to
14 provide the written verification required by subsection C of this
15 section.

16 E. The Director of the Office of Management and Enterprise
17 Services shall provide oversight of and advice to governmental
18 entities that may be subject to the provisions of this act.

19 SECTION 2. This act shall become effective November 1, 2022.

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21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/01/2022 -
22 DO PASS, As Amended and Coauthored.

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