

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3144

6 By: West (Kevin)

7 COMMITTEE SUBSTITUTE

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

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

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

24 A. As used in this section:

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

2. "Company" means a for-profit organization, association,
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. "Discriminate against a firearm entity or firearm trade
7 association" means, with respect to the entity or association, to:

8 a. refuse to engage in the trade of any goods or services
9 with the entity or association based solely on its
10 status as a firearm entity or firearm trade
11 association,

12 b. refrain from continuing an existing business
13 relationship with the entity or association based
14 solely on its status as a firearm entity or firearm
15 trade association, or

16 c. terminate an existing business relationship with the
17 entity or association based solely on its status as a
18 firearm entity or firearm trade association.

19 The term does not include the established policies of a
20 merchant, retail seller, or platform that restrict or prohibit the
21 listing or selling of ammunition, firearms, or firearm accessories.
22 The term also does not include a company's refusal to engage in the
23 trade of any goods or services, decision to refrain from continuing
24 an existing business relationship, or decision to terminate an

1 existing business relationship to comply with federal, state, or
2 local laws, policies, or regulations or a directive by a regulatory
3 agency, or for any traditional business reason that is specific to
4 the customer or potential customer and not based solely on the
5 status of an entity or association as a firearm entity or firearm
6 trade association;

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

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

15 6. "Firearm entity" means:

16 a. a firearm, firearm accessory or ammunition
17 manufacturer, distributor, wholesaler, supplier, or
18 retailer, and

19 b. a gun range;

20 7. "Firearm trade association" means any person, corporation,
21 unincorporated association, federation, business league, or business
22 organization that:
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1 a. is not organized or operated for profit and for which
2 none of its net earnings inures to the benefit of any
3 private shareholder or individual,

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

5 c. is exempt from federal income taxation under Section
6 501(a), Internal Revenue Code of 1986, as an
7 organization described by Section 501(c) of that code;

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

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

15 B. The provisions of this section shall apply only to a
16 contract that:

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

19 2. Has a value of at least One Hundred Thousand Dollars
20 (\$100,000.00) that is paid wholly or partly from public funds of the
21 governmental entity.

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

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

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

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

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

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

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

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

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19 58-2-10829 GRS 03/01/22

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