

HOUSE BILL No. 2717

By Committee on Federal and State Affairs

2-18

1 AN ACT concerning firearms; creating the Kansas firearms industry
2 nondiscrimination act.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. The provisions of sections 1 through 7, and amendments
6 thereto, shall be known and may be cited as the Kansas firearms industry
7 nondiscrimination act.

8 Sec. 2. As used in sections 1 through 7, and amendments thereto,
9 unless the context requires otherwise:

10 (a) "Person" means one or more individuals, partnerships,
11 associations, limited liability companies, corporations, unincorporated
12 organizations, mutual companies, joint stock companies, trusts, agents,
13 legal representatives, trustees, trustees in bankruptcy, receivers, labor
14 organizations, public bodies, public corporations, the state of Kansas and
15 all political subdivisions and agencies thereof.

16 (b) "Trade association" means any corporation, unincorporated
17 association, federation, business league or professional or business
18 organization that:

19 (1) Is not organized or operated for profit and no part of the net
20 earnings of which inures to the benefit of any private shareholder or
21 individual;

22 (2) is an organization described in 26 U.S.C. § 501(c)(6);

23 (3) is exempt from tax under 26 U.S.C. § 501(a); and

24 (4) has two or more members that are manufacturers or sellers of a
25 qualified product, as defined by 15 U.S.C. § 7903(4).

26 Sec. 3. It shall be an unlawful discriminatory practice for any person
27 to refuse to provide any goods or services of any kind, or to refrain from
28 continuing an existing business relationship, or to terminate an existing
29 business relationship with, or otherwise discriminate against a person or
30 trade association, solely because a person, licensed pursuant to chapter 44
31 of title 18 of the United States code, is engaged in the lawful commerce of
32 firearms or ammunition products or is a trade association.

33 Sec. 4. A victim of unlawful discriminatory practices described in
34 section 3, and amendments thereto, shall have a civil cause of action
35 against any person who committed an unlawful discriminatory practice
36 and shall be entitled to recover from such person actual and compensatory

1 damages, punitive damages, injunctive relief and any other appropriate
2 civil relief.

3 Sec. 5. A plaintiff who successfully prevails in a civil action filed
4 pursuant to section 4, and amendments thereto, shall be entitled to recover
5 reasonable attorney fees and court costs.

6 Sec. 6. A civil cause of action filed pursuant to section 4, and
7 amendments thereto, shall be filed not later than two years after the date
8 when the aggrieved person becomes aware of the unlawful discriminatory
9 practice described in section 3, and amendments thereto.

10 Sec. 7. (a) In addition to any other remedies provided in sections 4
11 through 6, and amendments thereto, whenever the attorney general has
12 reason to believe that any person is engaging, has engaged or is about to
13 engage in any act or practice declared unlawful under section 3, and
14 amendments thereto, the attorney general may bring an action against such
15 person to:

16 (1) Obtain a declaratory judgment that such act or practice violates
17 the provisions of section 3, and amendments thereto;

18 (2) enjoin such act or practice by issuance of a temporary restraining
19 order or preliminary or permanent injunction, without bond, upon the
20 giving of appropriate notice; and

21 (3) recover civil penalties in an amount not to exceed \$10,000 per
22 violation of section 3, and amendments thereto, or any injunction,
23 judgment or consent order issued or entered into under the provisions of
24 sections 1 through 7, and amendments thereto, and reasonable expenses,
25 investigative costs and attorney fees.

26 (b) Any action, application or motion brought by the attorney general
27 against a person under this section shall be filed in Shawnee county district
28 court.

29 (c) The attorney general may recommend that any person who is a
30 state contractor and who is engaging, has engaged or is about to engage in
31 any act or practice declared unlawful under section 3, and amendments
32 thereto, be debarred pursuant to K.S.A. 75-37,103, and amendments
33 thereto.

34 Sec. 8. This act shall take effect and be in force from and after its
35 publication in the statute book.