

2021 Regular Session

HOUSE BILL NO. 597

BY REPRESENTATIVES MIGUEZ, AMEDEE, BACALA, EDMONDS, EMERSON,  
GAROFALO, HARRIS, HORTON, MCCORMICK, CHARLES OWEN, AND  
SCHAMERHORN

1 AN ACT

2 To enact R.S. 38:2216.1 and R.S. 39:1602.2, relative to public contracts; to prohibit certain  
3 discriminatory practices with respect to firearm associations, retailers, and  
4 manufacturers; to provide for definitions; to provide restrictions on applicability; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2216.1 is hereby enacted to read as follows:

8 §2216.1. Prohibition on contracts with companies that discriminate against firearm  
9 and ammunition industries

10 A. As used in this Section, the following terms shall have the following  
11 meanings unless the context clearly indicates otherwise:

12 (1) "Ammunition" shall mean a loaded cartridge case, primer, bullet, or  
13 propellant powder with or without a projectile.

14 (2) "Company" shall mean a for-profit organization, association, corporation,  
15 partnership, joint venture, limited partnership, limited liability partnership, or limited  
16 liability company, including a wholly owned subsidiary, majority-owned subsidiary,  
17 parent company, or affiliate of those entities or associations that exists to make a  
18 profit. "Company" shall not mean a sole proprietorship.

19 (3)(a) "Discriminate against a firearm entity or firearm trade association"  
20 shall mean that the company:

21 (i) Refuses to engage in the trade of any goods or services with the entity or  
22 association based solely on its status as a firearm entity or firearm trade association.

1           (ii) Refrains from continuing an existing business relationship with the entity  
2           or association based solely on its status as a firearm entity or firearm trade  
3           association.

4           (iii) Terminates an existing business relationship with the entity or  
5           association based solely on its status as a firearm entity or firearm trade association.

6           (b) A company does not "discriminate against a firearm entity or firearm  
7           trade association" if it refuses to engage in the trade of any goods or services,  
8           refrains from continuing an existing business relationship, or declines to enter into,  
9           modifies, or terminates an existing business relationship for any of the following  
10          reasons:

11           (i) To comply with federal, state, or local law, policy, or regulations or a  
12          directive by a regulator.

13           (ii) For any traditional business reason that is specific to the customer or  
14          potential customer and not based solely on an entity's or association's status as a  
15          firearm entity or firearm trade association.

16           (c) Nothing in this Paragraph shall be construed to require a company that  
17          is a merchant, retail seller, or platform to sell or list for sale ammunition, firearms,  
18          or firearm accessories.

19           (4) "Firearm" shall mean a weapon that expels a projectile by the action of  
20          explosive or expanding gases.

21           (5) "Firearm accessory" shall mean:

22           (a) A device specifically designed or adapted to enable an individual to  
23          wear, carry, store, or mount a firearm on the individual or on a conveyance.

24           (b) An item used in conjunction with or mounted on a firearm that is not  
25          essential to the basic function of the firearm, including a detachable firearm  
26          magazine.

27           (6) "Firearm entity" shall mean:

28           (a) A manufacturer, distributor, wholesaler, supplier, or retailer of firearms,  
29          firearm accessories, or ammunition.

1           **(b) A business establishment, private club, or association that operates an**  
2           **area for the discharge or other use of firearms for silhouette, skeet, trap, black**  
3           **powder, target, self-defense, or similar recreational shooting, at which not fewer than**  
4           **twenty different individuals discharge firearms each calendar year.**

5           **(7) "Firearm trade association" shall mean any person, corporation,**  
6           **unincorporated association, federation, business league, or business organization that**  
7           **meets all of the following criteria:**

8           **(a) Is not organized or operated for profit and for which none of its net**  
9           **earnings inures to the benefit of any private shareholder or individual.**

10           **(b) Has two or more firearm entities as members.**

11           **(c) Is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) as**  
12           **an organization described by 26 U.S.C. 501(c)(6).**

13           **B.(1) The provisions of this Section shall apply to any contract with a value**  
14           **of one hundred thousand dollars or more that meets all of the following criteria:**

15           **(a) Is to be paid partly or wholly from public funds.**

16           **(b) Is between a public entity and a company with at least ten full-time**  
17           **employees.**

18           **(c) Is entered into on or after August 1, 2021.**

19           **(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the**  
20           **provisions of this Section shall not apply if either of the following conditions are**  
21           **met:**

22           **(a) The contract is with a sole-source provider.**

23           **(b) The public entity does not receive any bids from companies that are able**  
24           **to provide the written verification required by this Section.**

25           **C. A public entity may not enter into a contract with a company for the**  
26           **purchase of goods or services unless the contract contains a written verification from**  
27           **the company of both of the following:**

28           **(1) The company does not have a practice, policy, guidance, or directive that**  
29           **discriminates against a firearm entity or firearm trade association based solely on the**  
30           **entity's or association's status as a firearm entity or firearm trade association.**

1                   (2) The company will not discriminate against a firearm entity or firearm  
 2                   trade association during the term of the contract based solely on the entity's or  
 3                   association's status as a firearm entity or firearm trade association.

4                   Section 2. R.S. 39:1602.2 is hereby enacted to read as follows:

5                   §1602.2. Prohibition on contracts with companies that discriminate against firearm  
 6                   and ammunition industries

7                   A. As used in this Section, the following terms shall have the following  
 8                   meanings unless the context clearly indicates otherwise:

9                   (1) "Ammunition" shall mean a loaded cartridge case, primer, bullet, or  
 10                   propellant powder with or without a projectile.

11                   (2) "Company" shall mean a for-profit organization, association, corporation,  
 12                   partnership, joint venture, limited partnership, limited liability partnership, or limited  
 13                   liability company, including a wholly owned subsidiary, majority-owned subsidiary,  
 14                   parent company, or affiliate of those entities or associations that exists to make a  
 15                   profit. "Company" shall not mean a sole proprietorship.

16                   (3)(a) "Discriminate against a firearm entity or firearm trade association"  
 17                   shall mean the company:

18                   (i) Refuses to engage in the trade of any goods or services with the entity or  
 19                   association based solely on its status as a firearm entity or firearm trade association.

20                   (ii) Refrains from continuing an existing business relationship with the entity  
 21                   or association based solely on its status as a firearm entity or firearm trade  
 22                   association.

23                   (iii) Terminates an existing business relationship with the entity or  
 24                   association based solely on its status as a firearm entity or firearm trade association.

25                   (b) A company does not "discriminate against a firearm entity or firearm  
 26                   trade association" if it refuses to engage in the trade of any goods or services,  
 27                   refrains from continuing an existing business relationship, or declines to enter into,  
 28                   modifies, or terminates an existing business relationship for any of the following  
 29                   reasons:

1           (i) To comply with federal, state, or local law, policy, or regulations or a  
2           directive by a regulator.

3           (ii) For any traditional business reason that is specific to the customer or  
4           potential customer and not based solely on an entity's or association's status as a  
5           firearm entity or firearm trade association.

6           (c) Nothing in this Paragraph shall be construed to require a company that  
7           is a merchant, retail seller, or platform to sell or list for sale ammunition, firearms,  
8           or firearm accessories.

9           (4) "Firearm" shall mean a weapon that expels a projectile by the action of  
10           explosive or expanding gases.

11           (5) "Firearm accessory" shall mean:

12           (a) A device specifically designed or adapted to enable an individual to  
13           wear, carry, store, or mount a firearm on the individual or on a conveyance.

14           (b) An item used in conjunction with or mounted on a firearm that is not  
15           essential to the basic function of the firearm, including a detachable firearm  
16           magazine.

17           (6) "Firearm entity" shall mean:

18           (a) A manufacturer, distributor, wholesaler, supplier, or retailer of firearms,  
19           firearm accessories, or ammunition.

20           (b) A business establishment, private club, or association that operates an  
21           area for the discharge or other use of firearms for silhouette, skeet, trap, black  
22           powder, target, self-defense, or similar recreational shooting, at which not fewer than  
23           twenty different individuals discharge firearms each calendar year.

24           (7) "Firearm trade association" shall mean any person, corporation,  
25           unincorporated association, federation, business league, or business organization that  
26           meets all of the following criteria:

27           (a) Is not organized or operated for profit and for which none of its net  
28           earnings inures to the benefit of any private shareholder or individual.

29           (b) Has two or more firearm entities as members.

1                   (c) Is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) as  
2                   an organization described by 26 U.S.C. 501(c)(6).

3                   (8) "Governmental entity" shall mean:

4                   (a) Any department, office division, commission, council, board, bureau,  
5                   committee, institution, agency, government corporation, or other establishment or  
6                   official of the executive branch of state government.

7                   (b) Any parish, city, town, governmental body, and any other subdivision of  
8                   the state or public agency thereof, public authority, public educational, health, or  
9                   other institution, and to the extent provided by law, any other entity which expends  
10                  public funds for the acquisition or leasing of supplies, services, major repairs, and  
11                  construction, and any nonprofit corporation operating a charitable hospital.

12                  B.(1) The provisions of this Section shall apply to any contract with a value  
13                  of one hundred thousand dollars or more that meets all of the following criteria:

14                  (a) Is to be paid partly or wholly from public funds.

15                  (b) Is between a public entity and a company with at least ten full-time  
16                  employees.

17                  (c) Is entered into on or after August 1, 2021.

18                  (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the  
19                  provisions of this Section shall not apply if either of the following conditions are  
20                  met:

21                  (a) The contract is with a sole-source provider.

22                  (b) The government entity does not receive any bids from companies that are  
23                  able to provide the written verification required by this Section.

24                  C. A governmental entity may not enter into a contract with a company for  
25                  the purchase of goods or services unless the contract contains a written verification  
26                  from the company of both of the following:

27                  (1) The company does not have a practice, policy, guidance, or directive that  
28                  discriminates against a firearm entity or firearm trade association based solely on the  
29                  entity's or association's status as a firearm entity or firearm trade association.

1                   (2) The company will not discriminate against a firearm entity or firearm  
2                   trade association during the term of the contract based solely on the entity's or  
3                   association's status as a firearm entity or firearm trade association.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_