

SENATE BILL NO. 1048

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3846S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 34, RSMo, by adding thereto two new sections 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 two new sections, to be known as sections 34.750 and 34.755, to
3 read as follows:

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

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

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

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

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

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

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

43 (6) "Firearm entity", a firearm, firearm accessory, or
44 ammunition manufacturer, distributor, wholesaler, supplier,
45 retailer, or a sport shooting range;

46 (7) "Firearm trade association", any person,
47 corporation, unincorporated association, federation,
48 business league, or business organization that:

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

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

53 (c) Is exempt from federal income taxation under
54 Section 501(a) of the United States Internal Revenue Code of
55 1986, as an organization described by Section 501(c) of that
56 code;

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

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

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

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

64 3. Except as provided in subsection 4 of this section
65 and section 34.755, a public entity shall not enter into a
66 contract with a company for the purchase of goods or
67 services unless the contract contains a written verification
68 from the company that it:

69 (1) Does not have a practice, policy, guidance, or
70 directive that discriminates against a firearm entity or
71 firearm trade association; and

72 (2) Shall not discriminate during the term of the
73 contract against a firearm entity or firearm trade
74 association.

75 4. This section shall not apply to a public entity
76 that:

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

78 (2) Does not receive any bids from a company that is
79 able to provide the written verification required by
80 subsection 2 of this section.

34.755. 1. A contract entered into by a public entity
2 in connection with or relating to the issuance, sale, or
3 delivery of bonds or notes or to the administration of
4 matters related to bonds or notes, including the investment
5 of bond or note proceeds, shall be exempt from the
6 requirements of section 34.750 if, in the sole discretion of
7 the director of revenue or the county treasurer, he or she
8 concludes that compliance with section 34.750 is likely to
9 prevent:

10 (1) The issuance, sale, or delivery of the note or
11 bond that is sufficient to address the anticipated cash flow
12 required by the contractual obligation; or

13 (2) The administration of matters related to the notes
14 or bonds.

15 2. Before making a determination under subsection 1 of
16 this section, the director of revenue or county treasurer
17 shall:

18 (1) Survey potential respondents or bidders to a
19 solicitation for a contract described by subsection 1 of
20 this section to determine the number of qualified potential
21 respondents or bidders that are able to provide the written
22 verification required by section 34.750; and

23 (2) Evaluate the historical bidding performance of
24 qualified potential bidders.

✓