

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 842

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to firearms; defining terms;
8 providing applicability provision; prohibiting
9 governmental entities from contracting with companies
10 without certain written verification; stating
11 specifics of written verification; providing
12 exceptions; authorizing the Central Purchasing
13 Division of the Office of Management and Enterprise
14 Services to review contracts; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 85.44F of Title 74, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

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

23 2. "Company" means a for-profit organization, association,
24 corporation, partnership, joint venture, limited partnership,
25 limited liability partnership, or limited liability company
including a wholly owned subsidiary, majority-owned subsidiary,

1 parent company, or an affiliate of those entities or associations
2 that exists to make a profit. The term does not include a sole
3 proprietorship;

4 3. "Discriminate against a firearm entity or firearm trade
5 association" means, with respect to the entity or association, to:

- 6 a. refuse to engage in the trade of any goods or services
7 with the entity or association based solely on its
8 status as a firearm entity or firearm trade
9 association,
- 10 b. refrain from continuing an existing business
11 relationship with the entity or association based
12 solely on its status as a firearm entity or firearm
13 trade association, or
- 14 c. terminate an existing business relationship with the
15 entity or association based solely on its status as a
16 firearm entity or firearm trade association.

17 The term does not include the policies of a vendor, merchant, retail
18 seller, or platform that restrict or prohibit the listing or selling
19 of ammunition, firearms, or firearm accessories. The term also does
20 not include a company's refusal to engage in the trade of any goods
21 or services, decision to refrain from continuing an existing
22 business relationship, or decision to terminate an existing business
23 relationship to comply with federal, state, or local laws, policies,
24 or regulations or a directive by a regulatory agency, or for any

1 traditional business reason that is specific to the customer or
2 potential customer and not based solely on the status of an entity
3 or association as a firearm entity or firearm trade association;

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

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

12 6. "Firearm entity" means:

13 a. a firearm, firearm accessory, or firearm ammunition
14 manufacturer, distributor, wholesaler, supplier, or
15 retailer, and

16 b. a gun range;

17 7. "Firearm trade association" means any person, corporation,
18 unincorporated association, federation, business league, or business
19 organization that:

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

23 b. has two or more firearm entities as members, and
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1 c. is exempt from federal income taxation under Section
2 501(a), Internal Revenue Code of 1986, as an
3 organization described by Section 501(c) of that code;

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

8 9. "Sole-source provider" means a supplier who provides goods
9 or services of a unique nature or goods or services that are solely
10 available through the supplier and the supplier is the only
11 practicable source to provide such goods or services.

12 B. The provisions of this section shall apply only to a
13 contract that:

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

16 2. Has a value of at least One Hundred Thousand Dollars
17 (\$100,000.00) that is paid wholly or partly from public funds of the
18 governmental entity; and

19 3. Is entered into on or after the effective date of this act.
20 Any contract entered into before the effective date of this act is
21 governed by the law in effect on the date the contract was entered
22 into and the former law is continued in effect for that purpose.

23 C. Except as provided by subsection D of this section, a
24 governmental entity shall not enter into a contract with a company

1 for 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. After requesting bids, only receives bids from companies
12 that do not comply with the provisions of subsection C of this
13 section.

14 E. The Central Purchasing Division of the Office of Management
15 and Enterprise Services shall have the authority and responsibility
16 of reviewing state governmental contracts to confirm that the
17 requirements of subsection C of this section have been satisfied.

18 SECTION 2. This act shall become effective November 1, 2023.

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