

HOUSE BILL NO. HB0151

Firearms merchant category code-prohibition.

Sponsored by: Representative(s) Crago, Davis, Lawley, Niemiec, Sommers, Washut, Western and Wylie and Senator(s) Barlow, Cooper, Driskill, Hicks, Kinskey and Landen

A BILL

for

1 AN ACT relating to consumer protection; prohibiting records
2 and discrimination based on a firearms code as specified;
3 providing definitions; providing for enforcement;
4 specifying applicability; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 40-12-801 through 40-12-803 are
10 created to read:

11

12

ARTICLE 8

13

PROTECTION OF INFORMATION FOR FIREARMS PURCHASES

14

1 **40-12-801. Definitions.**

2

3 (a) As used in this article:

4

5 (i) "Customer" means any resident of Wyoming
6 engaged in a payment card transaction that a financial
7 institution facilitates or processes;

8

9 (ii) "Disclosure" or "disclose" means the
10 transfer, publication or distribution of protected
11 financial information to another person for any purpose,
12 except to:

13

14 (A) Process or facilitate a payment card
15 transaction; or

16

17 (B) Take any action related to dispute
18 processing, fraud management or protecting transaction
19 integrity from concerns related to illegal activities,
20 breach or cybersecurity risks.

21

1 (iii) "Financial institution" means any entity
2 defined in W.S. 13-1-401(a)(ii) involved in facilitating or
3 processing a payment card transaction;

4

5 (iv) "Financial record" means a record held by a
6 financial institution related to a payment card transaction
7 that the financial institution has processed or
8 facilitated;

9

10 (v) "Firearm entity" means as defined in W.S.
11 13-10-301(a)(vi);

12

13 (vi) "Firearms code" means any merchant category
14 code designated or approved by the international
15 organization for standardization specifically for retailers
16 of firearms, firearm accessories or ammunition, including
17 but not limited to merchant category code 5723 approved by
18 the international organization for standardization;

19

20 (vii) "Government entity" means the state of
21 Wyoming, the University of Wyoming and any local government
22 as defined in W.S. 1-39-103(a)(ii);

23

1 (viii) "Protected financial information" means
2 any record of a sale, purchase, return or refund involving
3 a payment card that is retrieved, characterized, generated,
4 labeled, sorted or grouped based on the assignment of a
5 firearms code.

6

7 **40-12-802. Firearms transactions; retention of**
8 **records; usage of firearms merchant category code**
9 **prohibited.**

10

11 (a) Except as specifically required by law, no
12 government entity, financial institution or person shall
13 keep or cause to be kept any list, record or registry of
14 privately owned firearms or any list, record or registry of
15 the owners of privately owned firearms or customers who
16 purchase firearms to be privately owned.

17

18 (b) No financial institution shall require the usage
19 of a firearms code in a way that distinguishes a firearm
20 entity physically located in Wyoming from general
21 merchandise retailers or sporting goods retailers.

22

1 (c) Except as specifically required by law, no
2 financial institution shall disclose protected financial
3 information, including a firearms code that was collected
4 in violation of this article, unless the disclosure of the
5 financial record or firearms code was based on a good-faith
6 conclusion that the disclosure was required by law.

7

8 (d) Nothing in this section shall limit the ability
9 of a financial institution to negotiate with any person or
10 otherwise impair the financial institution's actions
11 related to dispute processing, fraud management,
12 transaction integrity and addressing illegal activities,
13 security breaches or cybersecurity risks.

14

15 **40-12-803. Violations; remedies.**

16

17 (a) Any firearm entity or person may petition the
18 attorney general to investigate an alleged violation of
19 this article. Upon receipt of a petition under this
20 subsection or if the attorney general has probable cause to
21 believe that a person has violated this article, the
22 attorney general shall investigate alleged violations of
23 this article.

1

2 (b) Upon finding a violation of this article, the
3 attorney general shall provide written notice to any person
4 believed to be in violation of this article. Written notice
5 shall be made to the person or the person's registered
6 agent.

7

8 (c) Upon receipt of written notice under this
9 section, a person shall have thirty (30) days to cease or
10 cure any violation of this article.

11

12 (d) If any person found to be in violation of this
13 article fails to cease or cure the violation of this
14 article within thirty (30) days of receiving notice under
15 this section, the attorney general may pursue an injunction
16 as authorized in W.S. 40-12-106. The district court may
17 take any action authorized in W.S. 40-12-106 to restrain a
18 practice or action in violation of this article.

19

20 (e) Any person who violates any injunction or
21 restraining order entered in accordance with subsection (d)
22 of this section or who violates any action authorized in
23 W.S. 40-12-106 to restrain a practice or action in

1 violation of this article shall be subject to a civil
2 penalty. The attorney general, upon petition to the court,
3 may recover, on behalf of the state, a civil penalty of not
4 more than ten thousand dollars (\$10,000.00) for each
5 violation committed after the time specified in subsection
6 (d) of this section. If a civil penalty is assessed under
7 this subsection, the attorney general shall be entitled to
8 reasonable attorney fees and costs.

9

10 (f) It shall be a defense to any action filed under
11 this section that the use of a firearms code was required
12 based on a good-faith conclusion that the person's
13 disclosure or action was required by law.

14

15 **Section 2.** W.S. 13-10-302(a) is amended to read:

16

17 **13-10-302. Unlawful discrimination against a firearm**
18 **entity; exception.**

19

20 (a) A financial institution shall not discriminate
21 against a firearm entity:

22

1 (i) Because the firearm entity supports or is
2 engaged in the lawful commerce of firearms, firearm
3 accessories or ammunition products; or

4

5 (ii) By declining a lawful payment card
6 transaction based solely on the assignment or nonassignment
7 of a firearms code as defined by W.S. 40-12-801(a)(vi).

8

9 **Section 3.** Nothing in this act shall be construed to
10 amend, alter or impair any contract entered into before the
11 effective date of this act.

12

13 **Section 4.** This act is effective July 1, 2024.

14

15

(END)