

HOUSE BILL No. 1409

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-13-5-7; IC 5-16-15-7; IC 5-22-24.

Synopsis: Government contracts. Provides that a governmental body may not enter into a contract with a person for the purchase of supplies or services unless the contract contains a written verification from the person that the person: (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or a firearm trade association; and (2) will not discriminate during the term of the contract against a firearm entity or a firearm trade association. Applies this requirement to public works contracts and to contracts relating to investment of public funds.

Effective: July 1, 2022.

Smaltz

January 13, 2022, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1409



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-13-5-7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]: **Sec. 7. IC 5-22-24 applies to the investment of funds under**
4 **this article.**

5 SECTION 2. IC 5-16-15-7 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2022]: **Sec. 7. IC 5-22-24 applies to a contract.**

8 SECTION 3. IC 5-22-24 IS ADDED TO THE INDIANA CODE AS
9 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2022]:

11 **Chapter 24. Prohibition on Contracts With Companies That**
12 **Discriminate Against Firearms and Ammunition**

13 **Sec. 1. As used in this chapter, "ammunition" means a loaded**
14 **cartridge case, primer, bullet, or propellant powder with or**
15 **without a projectile.**

16 **Sec. 2. (a) As used in this chapter, "discriminate against a**
17 **firearm entity or firearm trade association" means, with respect to**



- 1 the entity or association, to do any of the following:
- 2 (1) Refusing to engage in the trade of any goods or services
- 3 with the entity or association based solely on its status as a
- 4 firearm entity or firearm trade association.
- 5 (2) Refraining from continuing an existing business
- 6 relationship with the entity or association based solely on its
- 7 status as a firearm entity or firearm trade association.
- 8 (3) Terminating an existing business relationship with the
- 9 entity or association based solely on its status as a firearm
- 10 entity or firearm trade association.
- 11 (b) The term does not include any of the following:
- 12 (1) The established policies of a merchant, retail seller, or
- 13 platform that restrict or prohibit the listing or selling of
- 14 ammunition, firearms, or firearm accessories.
- 15 (2) A person's refusal to engage in the trade of any goods or
- 16 services, decision to refrain from continuing an existing
- 17 business relationship, or decision to terminate an existing
- 18 business relationship:
- 19 (A) to comply with federal, state, or local law, policy, or
- 20 regulations or a directive by a regulatory agency; or
- 21 (B) for any traditional business reason that is specific to
- 22 the customer or potential customer and not based solely on
- 23 an entity's or association's status as a firearm entity or
- 24 firearm trade association.
- 25 Sec. 3. As used in this chapter, "firearm" means a weapon that
- 26 expels a projectile by the action of explosive or expanding gases.
- 27 Sec. 4. As used in this chapter, "firearm accessory" means a
- 28 device specifically designed or adapted to enable an individual to
- 29 wear, carry, store, or mount a firearm on the individual or on a
- 30 conveyance and an item used in conjunction with or mounted on a
- 31 firearm that is not essential to the basic function of the firearm.
- 32 The term includes a detachable firearm magazine.
- 33 Sec. 5. As used in this chapter, "firearm entity" means any of
- 34 the following:
- 35 (1) A manufacturer, distributor, wholesaler, supplier, or
- 36 retailer of firearms, firearm accessories, or ammunition.
- 37 (2) A business establishment, private club, or association that
- 38 operates an area for the discharge or other use of firearms for
- 39 silhouette, skeet, trap, black powder, target, self-defense, or
- 40 similar recreational shooting.
- 41 Sec. 6. As used in this chapter, "firearm trade association"
- 42 means a person that satisfies all of the following:



- 1 **(1) The person is not organized or operated for profit and for**
 2 **which none of its net earnings inures to the benefit of any**
 3 **private shareholder or individual.**
 4 **(2) The person has two (2) or more firearm entities as**
 5 **members.**
 6 **(3) The person is exempt from federal income taxation under**
 7 **Section 501(a) of the Internal Revenue Code, as an**
 8 **organization described by Section 501(c) of the Internal**
 9 **Revenue Code.**
- 10 **Sec. 7. (a) This section applies only to a contract that:**
 11 **(1) is between a governmental body and a company with at**
 12 **least ten (10) full-time employees; and**
 13 **(2) has a value of at least one hundred thousand dollars**
 14 **(\$100,000) that is paid wholly or partly from public funds of**
 15 **the governmental body.**
- 16 **(b) This section does not apply to the following:**
 17 **(1) A contract with a sole source.**
 18 **(2) A contract with a sole proprietorship.**
 19 **(3) A contract if the purchasing agent does not receive offers**
 20 **from any person that is able to provide the written**
 21 **verification required by subsection (c).**
- 22 **(c) A governmental body may not enter into a contract with a**
 23 **person for the purchase of supplies or services unless the contract**
 24 **contains a written verification from the person that the person:**
 25 **(1) does not have a practice, policy, guidance, or directive that**
 26 **discriminates against a firearm entity or firearm trade**
 27 **association; and**
 28 **(2) will not discriminate during the term of the contract**
 29 **against a firearm entity or firearm trade association.**

