

1 AN ACT relating to public contracts.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Ammunition" means a loaded cartridge case, primer, bullet, or propellant*
7 *powder with or without a projectile;*

8 *(b) "Firearm" means a weapon that expels a projectile by the action of*
9 *explosive or expanding gases;*

10 *(c) "Firearm accessory" means:*

11 *1. A device specifically designed or adapted to enable an individual to*
12 *wear, carry, store, or mount a firearm on the individual or on a*
13 *conveyance; or*

14 *2. 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*
16 *firearm magazine;*

17 *(d) "Firearm entity" means a:*

18 *1. Manufacturer, distributor, wholesaler, supplier, or retailer of*
19 *firearms, firearm accessories, or ammunition; or*

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

25 *(e) "Firearm trade association" means any person, corporation,*
26 *unincorporated association, federation, business league, or business*
27 *organization that:*

- 1 1. Is not organized or operated for profit and for which none of its net
- 2 earnings inure to the benefit of any private shareholder or individual;
- 3 2. Has two (2) or more firearm entities as members; and
- 4 3. Is exempt from federal income taxation pursuant to 26 U.S.C. sec.
- 5 501(a) as an organization described by 26 U.S.C. sec. 501(c)(6).

6 (2) (a) A governmental body shall not enter into a contract for the purchase of
7 goods or services unless the contract contains a written verification from the
8 company selling the goods or services that the company:

- 9 1. Does not have a practice, policy, guidance, or directive that
- 10 discriminates against a firearm entity or firearm trade association
- 11 based solely on its status as a firearm entity or firearm trade
- 12 association; and
- 13 2. Will not discriminate against a firearm entity or firearm trade
- 14 association during the term of the contract based solely on the entity's
- 15 or association's status as a firearm entity or firearm trade association.

16 (b) A company discriminates against a firearm entity or firearm trade
17 association when it:

- 18 1. Refuses to engage in the trade of any goods or services with the entity
- 19 or association based solely on its status as a firearm entity or firearm
- 20 trade association;
- 21 2. Refrains from continuing an existing business relationship with the
- 22 entity or association based solely on its status as a firearm entity or
- 23 firearm trade association; or
- 24 3. Terminates an existing business relationship with the entity or
- 25 association based solely on its status as a firearm entity or firearm
- 26 trade association.

27 (c) A company does not discriminate against a firearm entity or firearm trade

- 1 association when it refuses to engage in the trade of any goods or services,
2 refrains from continuing an existing business relationship, or declines to
3 enter into, modifies, or terminates an existing business relationship:
- 4 1. To comply with federal, state, or local law, policy, or regulation, or a
5 directive from a regulator; or
- 6 2. For any traditional business reason that is specific to the customer or
7 potential customer and not based solely on an entity's or association's
8 status as a firearm entity or firearm trade association.
- 9 (d) The restrictions and obligations in this subsection shall not apply to:
- 10 1. Sole proprietorships;
- 11 2. Contracts with sole source providers; or
- 12 3. Public entities that do not receive any bids from companies that are
13 able to provide the written verification required by this section.
- 14 (3) The provisions in subsection (2) of this section shall apply to any contract with a
15 value of one hundred thousand dollars (\$100,000) or more that is:
- 16 (a) To be paid partially or wholly from public funds;
- 17 (b) Between a public entity and a company with at least ten (10) full-time
18 employees; and
- 19 (c) Entered into on or after the effective date of this Act.
- 20 (4) Nothing in this section shall be construed to require a company that is a
21 merchant, retail seller, or platform to sell or list for sale ammunition, firearms, or
22 firearm accessories.
- 23 (5) The Attorney General shall enforce the provisions of this section and investigate
24 any violations or alleged violations of this section.