

SENATE BILL NO. 1061

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

3383S.03I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 34, RSMo, by adding thereto one new section 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 one new section, to be known as section 34.750, to read as
3 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This section applies only to a contract that:

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

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

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

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

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

80 4. This section shall not apply to a public entity
81 that:

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

83 (2) Does not receive a bid from a company that is able
84 to provide the written verification required by subsection 2
85 of this section.

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