AN ACT concerning firearms; creating the Kansas firearms industry nondiscrimination act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The provisions of sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas firearms industry nondiscrimination act.

Sec. 2. As used in sections 1 through 7, and amendments thereto, unless the context requires otherwise:

(a) "Person" means one or more individuals, partnerships, associations, limited liability companies, corporations, unincorporated organizations, mutual companies, joint stock companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers, labor organizations, public bodies, public corporations, the state of Kansas and all political subdivisions and agencies thereof.

(b) "Trade association" means any corporation, unincorporated association, federation, business league or professional or business organization that:

(1) Is not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(2) is an organization described in 26 U.S.C. § 501(c)(6);

(3) is exempt from tax under 26 U.S.C. § 501(a); and

(4) has two or more members that are manufacturers or sellers of a qualified product, as defined by 15 U.S.C. § 7903(4).

Sec. 3. It shall be an unlawful discriminatory practice for any person to refuse to provide any goods or services of any kind, or to refrain from continuing an existing business relationship, or to terminate an existing business relationship with, or otherwise discriminate against a person or trade association, solely because a person, licensed pursuant to chapter 44 of title 18 of the United States code, is engaged in the lawful commerce of firearms or ammunition products or is a trade association.

Sec. 4. A victim of unlawful discriminatory practices described in section 3, and amendments thereto, shall have a civil cause of action against any person who committed an unlawful discriminatory practice and shall be entitled to recover from such person actual and compensatory
damages, punitive damages, injunctive relief and any other appropriate civil relief.

Sec. 5. A plaintiff who successfully prevails in a civil action filed pursuant to section 4, and amendments thereto, shall be entitled to recover reasonable attorney fees and court costs.

Sec. 6. A civil cause of action filed pursuant to section 4, and amendments thereto, shall be filed not later than two years after the date when the aggrieved person becomes aware of the unlawful discriminatory practice described in section 3, and amendments thereto.

Sec. 7. (a) In addition to any other remedies provided in sections 4 through 6, and amendments thereto, whenever the attorney general has reason to believe that any person is engaging, has engaged or is about to engage in any act or practice declared unlawful under section 3, and amendments thereto, the attorney general may bring an action against such person to:

(1) Obtain a declaratory judgment that such act or practice violates the provisions of section 3, and amendments thereto;

(2) Enjoin such act or practice by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice; and

(3) Recover civil penalties in an amount not to exceed $10,000 per violation of section 3, and amendments thereto, or any injunction, judgment or consent order issued or entered into under the provisions of sections 1 through 7, and amendments thereto, and reasonable expenses, investigative costs and attorney fees.

(b) Any action, application or motion brought by the attorney general against a person under this section shall be filed in Shawnee county district court.

(c) The attorney general may recommend that any person who is a state contractor and who is engaging, has engaged or is about to engage in any act or practice declared unlawful under section 3, and amendments thereto, be debarred pursuant to K.S.A. 75-37,103, and amendments thereto.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.