Session of 2022

SENATE BILL No. 482

By Senators Warren, Alley, Erickson, Masterson and Wilborn

2-9

AN ACT concerning government contracts; enacting the firearm industry nondiscrimination act; prohibiting certain contracts with entities that discriminate against firearm or ammunition industries.

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

Section 1. The provisions of sections 1 through 3, and amendments thereto, shall be known and may be cited as the firearm industry nondiscrimination act.

Sec. 2. As used in this section and section 3, and amendments thereto:
(a) "Ammunition" means a loaded cartridge case, primer bullet or propellant powder with or without a projectile.
(b) (1) "Company" means an organization, association, corporation, partnership, venture or other entity, its subsidiary or affiliate that:
(A) Exists to make a profit or to otherwise secure economic advantage; and
(B) has no fewer than 10 full-time employees.
(2) The term "company" does not include a sole proprietorship.
(c) "Contract" means a written agreement between a governmental entity and a company that has a purchase price of not less than $100,000 that is paid, in whole or in part, from moneys held by or appropriated for such governmental entity that are public funds.
(d) (1) "Discriminate against a firearm entity or firearm trade association" means, with respect to such entity or association, to do any of the following based solely on such entity's or association's status as a firearm entity or firearm trade association:
(A) Refuse to engage in the trade of any goods or services with such entity or association;
(B) refrain from continuing an existing business relationship with such entity or association; or
(C) terminate an existing business relationship with such entity or association.
(2) The term "discriminate against a firearm entity or firearm trade association" does not include:
(A) The established policies of a merchant, retailer or platform that restrict or prohibit the listing or selling of ammunition, firearms or firearm accessories; or
(B) a company's refusal to engage in the trade of any goods or
services, decision to refrain from continuing an existing business
relationship or decision to terminate an existing business relationship:
   (i) To comply with federal, state or local law, policy or rules and
   regulations or a directive by a regulatory agency; or
   (ii) for any traditional business reason that is specific to the customer
   or potential customer and not based solely on an entity's or association's
   status as a firearm entity or firearm trade association.
(e) "Firearm" has the same meaning as defined in K.S.A. 2021 Supp.
21-5111, and amendments thereto.
(f) "Firearm accessory" means a device specifically designed or
adapted to enable an individual to wear, carry, store or mount a firearm on
the individual or on a conveyance and an item used in conjunction with or
mounted on a firearm that is not essential to the basic function of the
firearm. The term "firearm accessory" includes a detachable firearm
magazine.
(g) "Firearm entity" means:
   (1) A manufacturer, distributor, wholesaler, supplier or retailer of
   firearms, firearms accessories or ammunition; or
   (2) a sport shooting range.
(h) "Firearm trade association" means any person, corporation,
association, federation, business league or other organization that:
   (1) 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;
   (2) has two or more firearm entities as members; and
   (3) is exempt from federal income taxation under section 501(a) of
   the federal internal revenue code of 1986 as an organization described in
   section 501(c) of the federal internal revenue code of 1986.
(i) "Governmental entity" means any office or officer, department,
board, commission, institution or bureau of this state or any agency,
division or unit within any office, department, board, commission or other
state authority and any political subdivision of this state.
(j) "Sport shooting range" means an organization, association,
corporation, partnership, venture or other entity that operates an area for
the discharge or other use of firearms for silhouette, skeet, trap, black
powder, target, self-defense or similar recreational shooting.

Sec. 3. (a) Except as otherwise provide, on and after July 1, 2022, a
governmental entity shall not enter into any contract with a company for
the purchase of goods or services unless such contract includes a written
certification by such company that such company:
(1) Does not have a practice, policy, guidance or directive that
   discriminates against a firearm entity or firearm trade association; and
(2) will not discriminate against a firearm entity or firearm trade
association during the term of such contract.

(b) This section shall not apply to a governmental entity that contracts with a sole-source provider or does not receive any bids from a company that is able to provide the written certification required by subsection (a).

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.