

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 15

By: Murdock

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5
6 AS INTRODUCED

7 An Act relating to firearms; defining terms;
8 specifying the type of entities that must comply with
9 certain contract requirements; prohibiting
10 governmental entities from contracting with companies
11 unless contracts contain certain written
12 verification; stating specifics of written
13 verification; providing an exception for specific
14 governmental entities; requiring the Director of the
15 Office of Management and Enterprise Services to
16 provide oversight and advice to governmental
17 entities; providing for codification; and providing
18 an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
22 there is created a duplication in numbering, reads as follows:

23 A. As used in this section:

24 1. "Ammunition" means a loaded cartridge or shot shell, case,
primer, projectile, wadding, or propellant powder;

2. "Company" means a for-profit organization, association,
corporation, partnership, joint venture, limited partnership,
limited liability partnership, or limited liability company,

1 including a wholly owned subsidiary, majority-owned subsidiary,
2 parent company, or an affiliate of those entities or associations
3 that exists to make a profit. The term does not include a sole
4 proprietorship;

5 3. "Discriminate against a firearm entity or firearm trade
6 association" means, with respect to the entity or association, to:

7 a. refuse to engage in the trade of any goods or services
8 with the entity or association based solely on its
9 status as a firearm entity or firearm trade
10 association which includes the lawful products and
11 services provided by and lawful practices of firearm
12 entities and firearm trade associations,

13 b. refrain from continuing an existing business
14 relationship with the entity or association based
15 solely on its status as a firearm entity or firearm
16 trade association which includes the lawful products
17 and services provided by and lawful practices of
18 firearm entities and firearm trade associations, or

19 c. terminate an existing business relationship with the
20 entity or association based solely on its status as a
21 firearm entity or firearm trade association which
22 includes the lawful products and services provided by
23 and lawful practices of firearm entities and firearm
24 trade associations.

1 The term does not include the policies of a vendor, merchant, retail
2 seller, or platform that restrict or prohibit the listing or selling
3 of ammunition, firearms, or firearm accessories. The term also does
4 not include a company's refusal to engage in the trade of any goods
5 or services, decision to refrain from continuing an existing
6 business relationship, or decision to terminate an existing business
7 relationship to comply with federal, state, or local laws, policies,
8 or regulations or a directive by a regulatory agency, or for any
9 traditional business reason that is specific to the customer or
10 potential customer and not based solely on the status of an entity
11 or association as a firearm entity or firearm trade association
12 which includes the lawful products and services provided by and
13 lawful practices of firearm entities and firearm trade associations;

14 4. "Firearm" means a weapon that expels a projectile by the
15 action of explosive or expanding gases;

16 5. "Firearm accessory" means a device specifically designed or
17 adapted to enable an individual to wear, carry, store, or mount a
18 firearm on the individual or on a conveyance and an item used in
19 conjunction with or mounted on a firearm that is not essential to
20 the basic function of the firearm. The term includes a detachable
21 firearm magazine;

22 6. "Firearm entity" means:
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- 1 a. a firearm, firearm accessory or ammunition
- 2 manufacturer, distributor, wholesaler, supplier, or
- 3 retailer, and
- 4 b. a gun range;

5 7. "Firearm trade association" means any person, corporation,
6 unincorporated association, federation, business league, or business
7 organization that:

- 8 a. is not organized or operated for profit and for which
- 9 none of its net earning inures to the benefit of any
- 10 private shareholder or individual,
- 11 b. has two or more firearm entities as members, and
- 12 c. is exempt from federal income taxation under Section
- 13 501(a), Internal Revenue Code of 1986, as an
- 14 organization described by Section 501(c) of that code;

15 8. "Governmental entity" means any branch, department, agency
16 or instrumentality of state government, or any official or other
17 person acting under color of state law, or any political subdivision
18 of this state;

19 9. "Sole-source provider" means a supplier who provides goods
20 or services of a unique nature or goods or services that are solely
21 available through the supplier and the supplier is the only
22 practicable source to provide such goods or services; and

23 10. "Contract" means a promise or set of promises constituting
24 an agreement between the parties that gives each a legal duty to the

1 other and also the right to seek a remedy for the breach of those
2 duties, but does not include an agreement related to investment
3 services.

4 B. The provisions of this section shall apply only to a
5 contract that:

6 1. Is between a governmental entity and a company with at least
7 ten (10) full-time employees; and

8 2. Has a value of at least One Hundred Thousand Dollars
9 (\$100,000.00) that is paid wholly or partly from public funds of the
10 governmental entity.

11 C. Except as provided by subsection D of this section, a
12 governmental entity may not enter in a contract with a company for
13 the purchase of goods or services unless the contract contains a
14 written verification from the company that it:

15 1. Does not have a practice, policy, guidance, or directive
16 that discriminates against a firearm entity or firearm trade
17 association; and

18 2. Will not discriminate during the term of the contract
19 against a firearm entity or firearm trade association.

20 D. The provisions of subsection C of this section shall not
21 apply to a governmental entity that:

22 1. Contracts with a sole-source provider; or
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1 2. Does not receive a bid from a company that is able to
2 provide the written verification required by subsection C of this
3 section.

4 E. The Central Purchasing Division of the Office of Management
5 and Enterprise Services shall have the authority and responsibility
6 of reviewing state governmental contracts to confirm that the
7 requirements of subsection C of this section have been satisfied.

8 SECTION 2. This act shall become effective November 1, 2023.

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