

*As Amended by Senate Committee*

*Session of 2022*

**SENATE BILL No. 482**

By Senators Warren, Alley, Erickson, Masterson and Wilborn

2-9

1 AN ACT concerning government contracts; enacting the firearm industry  
2 nondiscrimination act; prohibiting certain contracts with entities that  
3 discriminate against firearm or ammunition industries.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

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

9 Sec. 2. As used in this section and section 3, and amendments thereto:

10 (a) "Ammunition" means a loaded cartridge case, primer, *shot, wad,*  
11 bullet or propellant powder with or without a projectile.

12 (b) (1) "Company" means an organization, association, corporation,  
13 partnership, venture or other entity, its subsidiary or affiliate that:

14 (A) Exists to make a profit or to otherwise secure economic  
15 advantage; and

16 (B) has no fewer than 10 full-time employees.

17 (2) The term "company" does not include a sole proprietorship.

18 (c) "Contract" means a written agreement between a governmental  
19 entity and a company that has a purchase price of not less than \$100,000  
20 that is paid, in whole or in part, from moneys held by or appropriated for  
21 such governmental entity that are public funds.

22 (d) (1) "Discriminate against a firearm entity or firearm trade  
23 association" means, with respect to such entity or association, to do any of  
24 the following based solely on such entity's or association's status as a  
25 firearm entity or firearm trade association:

26 (A) Refuse to engage in the trade of any goods or services with such  
27 entity or association;

28 (B) refrain from continuing an existing business relationship with  
29 such entity or association; or

30 (C) terminate an existing business relationship with such entity or  
31 association.

32 (2) The term "discriminate against a firearm entity or firearm trade  
33 association" does not include:

34 (A) The established policies of a merchant, retailer or platform that  
35 restrict or prohibit the listing or selling of ammunition, firearms or firearm  
36 accessories; or

1 (B) a company's refusal to engage in the trade of any goods or  
2 services, decision to refrain from continuing an existing business  
3 relationship or decision to terminate an existing business relationship:

4 (i) To comply with federal, state or local law, policy or rules and  
5 regulations or a directive by a regulatory agency; or

6 (ii) for any traditional business reason that is specific to the customer  
7 or potential customer and not based solely on an entity's or association's  
8 status as a firearm entity or firearm trade association.

9 (e) "Firearm" has the same meaning as defined in K.S.A. 2021 Supp.  
10 21-5111, and amendments thereto.

11 (f) "Firearm accessory" means a device specifically designed or  
12 adapted to enable an individual to wear, carry, store or mount a firearm on  
13 the individual or on a conveyance and an item used in conjunction with or  
14 mounted on a firearm that is not essential to the basic function of the  
15 firearm. The term "firearm accessory" includes a detachable firearm  
16 magazine.

17 (g) "Firearm entity" means:

18 (1) A manufacturer, distributor, wholesaler, supplier or retailer of  
19 firearms, firearms accessories or ammunition; or

20 (2) a sport shooting range.

21 (h) "Firearm trade association" means any person, corporation,  
22 association, federation, business league or other organization that:

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

25 (2) has two or more firearm entities as members; and

26 (3) is exempt from federal income taxation under section 501(a) of  
27 the federal internal revenue code of 1986 as an organization described in  
28 section 501(c) of the federal internal revenue code of 1986.

29 (i) "Governmental entity" means any office or officer, department,  
30 board, commission, institution or bureau of this state or any agency,  
31 division or unit within any office, department, board, commission or other  
32 state authority and any political subdivision of this state.

33 (j) "Sport shooting range" means an organization, association,  
34 corporation, partnership, venture or other entity that operates an area for  
35 the discharge or other use of firearms for silhouette, skeet, trap, black  
36 powder, target, self-defense or similar recreational shooting.

37 Sec. 3. (a) Except as otherwise provide, on and after July 1, 2022, a  
38 governmental entity shall not enter into any contract with a company for  
39 the purchase of goods or services unless such contract includes a written  
40 certification by such company that such company:

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

43 (2) will not discriminate against a firearm entity or firearm trade

1 association during the term of such contract.

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

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