

REFERENCE TITLE: firearms; contracts; prohibited practices.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HCR 2011

Introduced by
Representatives Nguyen: Biasiucci, Bliss, Diaz, Gillette, Gress, Griffin,
Hendrix, Parker J, Willoughby, Wilmeth

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO FIREARM DISCRIMINATION PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to firearm discrimination practices, is
5 enacted to become valid as a law if approved by the voters and on
6 proclamation of the Governor:

7 AN ACT

8 AMENDING TITLE 35, CHAPTER 2, ARIZONA REVISED STATUTES, BY
9 ADDING ARTICLE 4; REPEALING TITLE 35, CHAPTER 2, ARTICLE 4,
10 ARIZONA REVISED STATUTES; RELATING TO FIREARM DISCRIMINATION
11 PRACTICES.

12 Be it enacted by the Legislature of the State of Arizona:

13 Section 1. Title 35, chapter 2, Arizona Revised
14 Statutes, is amended by adding article 4, to read:

15 ARTICLE 4. FIREARM DISCRIMINATION PRACTICES

16 35-351. Firearm entities; firearm trade associations;
17 discrimination; prohibition; definitions

18 A. A PUBLIC ENTITY MAY NOT ENTER INTO A CONTRACT WITH A
19 VALUE OF \$100,000 OR MORE WITH A COMPANY TO ACQUIRE OR DISPOSE
20 OF SERVICES, SUPPLIES, INFORMATION TECHNOLOGY OR CONSTRUCTION
21 UNLESS THE CONTRACT INCLUDES A WRITTEN CERTIFICATION THAT THE
22 COMPANY DOES NOT CURRENTLY, AND AGREES FOR THE DURATION OF THE
23 CONTRACT THAT IT WILL NOT, DISCRIMINATE AGAINST A FIREARM
24 ENTITY OR FIREARM TRADE ASSOCIATION. A PUBLIC ENTITY COMPLIES
25 WITH THE WRITTEN CERTIFICATION REQUIREMENT BY INCLUDING A
26 WRITTEN CERTIFICATION THAT WAS SUBMITTED BY THE COMPANY AS
27 PART OF THE PROCUREMENT PROCESS.

28 B. A PUBLIC ENTITY MAY NOT ADOPT A PROCUREMENT, AN
29 INVESTMENT OR ANY OTHER POLICY THAT HAS THE EFFECT OF INDUCING
30 OR REQUIRING A PERSON OR COMPANY TO DISCRIMINATE AGAINST A
31 FIREARM ENTITY OR FIREARM TRADE ASSOCIATION.

32 C. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A
33 CONTRACT ENTERED INTO BY A PUBLIC ENTITY IF EITHER:

34 1. THE CONTRACT IS A SOLE SOURCE CONTRACT.

35 2. THE PUBLIC ENTITY DOES NOT RECEIVE A RESPONSIVE BID
36 FROM ANY COMPANY THAT IS ABLE TO PROVIDE THE WRITTEN
37 CERTIFICATION.

38 D. THIS SECTION DOES NOT APPLY TO A CONTRACT ENTERED
39 INTO BEFORE THE EFFECTIVE DATE OF THIS SECTION.

40 E. FOR THE PURPOSES OF THIS SECTION:

41 1. "AMMUNITION" MEANS A LOADED CARTRIDGE OR SHOTSHELL,
42 CASE, WAD, PRIMER, PROJECTILE OR PROPELLANT POWDER.

43 2. "COMPANY" MEANS AN ORGANIZATION, ASSOCIATION,
44 CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
45 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY OR

1 OTHER ENTITY OR BUSINESS ASSOCIATION, INCLUDING A WHOLLY OWNED
2 SUBSIDIARY, MAJORITY-OWNED SUBSIDIARY, PARENT COMPANY OR
3 AFFILIATE, THAT ENGAGES IN FOR-PROFIT ACTIVITY AND THAT HAS
4 TEN OR MORE FULL-TIME EMPLOYEES.

5 3. "DISCRIMINATE":

6 (a) MEANS TO:

7 (i) REFUSE TO ENGAGE IN TRADING ANY GOODS OR SERVICES
8 WITH A FIREARM ENTITY OR FIREARM TRADE ASSOCIATION BASED
9 SOLELY ON ITS STATUS AS A FIREARM ENTITY OR FIREARM TRADE
10 ASSOCIATION.

11 (ii) REFRAIN FROM CONTINUING AN EXISTING BUSINESS
12 RELATIONSHIP WITH A FIREARM ENTITY OR FIREARM TRADE
13 ASSOCIATION BASED SOLELY ON ITS STATUS AS A FIREARM ENTITY OR
14 FIREARM TRADE ASSOCIATION.

15 (iii) TERMINATE AN EXISTING BUSINESS RELATIONSHIP WITH
16 A FIREARM ENTITY OR FIREARM TRADE ASSOCIATION BASED SOLELY ON
17 ITS STATUS AS A FIREARM ENTITY OR FIREARM TRADE ASSOCIATION.

18 (b) DOES NOT INCLUDE:

19 (i) FOLLOWING THE ESTABLISHED POLICIES OF A MERCHANT,
20 RETAIL SELLER OR PLATFORM THAT RESTRICT OR PROHIBIT THE
21 ADVERTISING, LISTING OR SELLING OF AMMUNITION, FIREARMS OR
22 FIREARMS ACCESSORIES.

23 (ii) REFUSING TO ENGAGE IN TRADING GOODS OR SERVICES,
24 REFRAINING FROM CONTINUING AN EXISTING BUSINESS RELATIONSHIP
25 OR TERMINATING AN EXISTING BUSINESS RELATIONSHIP IN ORDER TO
26 COMPLY WITH A FEDERAL, STATE OR LOCAL LAW, POLICY, RULE OR
27 REGULATION OR FOR ANY TRADITIONAL BUSINESS REASON THAT IS
28 SPECIFIC TO THE FIREARM ENTITY OR FIREARM TRADE ASSOCIATION
29 BUT IS NOT BASED SOLELY ON ITS STATUS AS A FIREARM ENTITY OR
30 FIREARM TRADE ASSOCIATION.

31 4. "FIREARM" MEANS A WEAPON THAT EXPELS A PROJECTILE BY
32 THE ACTION OF AN EXPLOSIVE OR EXPANDING GASES.

33 5. "FIREARM ACCESSORY" MEANS BOTH:

34 (a) A DEVICE THAT IS SPECIFICALLY DESIGNED OR ADAPTED
35 TO ENABLE A PERSON TO WEAR OR CARRY A FIREARM ON THE PERSON OR
36 TO STORE OR MOUNT A FIREARM IN OR ON A CONVEYANCE.

37 (b) AN ATTACHMENT OR DEVICE, INCLUDING A DETACHABLE
38 MAGAZINE, THAT IS SPECIFICALLY DESIGNED OR ADAPTED TO BE
39 INSERTED INTO OR AFFIXED ONTO A FIREARM TO ENABLE, ALTER OR
40 IMPROVE THE FUNCTIONING OR CAPABILITIES OF THE FIREARM.

41 6. "FIREARM ENTITY" MEANS EITHER OF THE FOLLOWING:

42 (a) A FIREARM, FIREARM ACCESSORY OR AMMUNITION
43 MANUFACTURER, RETAILER, WHOLESALER, SUPPLIER OR DISTRIBUTOR.

44 (b) AN INDOOR OR OUTDOOR SHOOTING RANGE.

1 7. "FIREARM TRADE ASSOCIATION" MEANS ANY PERSON,
2 CORPORATION, UNINCORPORATED ASSOCIATION, FEDERATION, BUSINESS
3 LEAGUE OR PROFESSIONAL OR BUSINESS ORGANIZATION THAT:

4 (a) IS NOT ORGANIZED OR OPERATED FOR PROFIT AND FOR
5 WHICH NO PART OF ITS NET EARNING INURES TO THE BENEFIT OF ANY
6 PRIVATE SHAREHOLDER OR INDIVIDUAL.

7 (b) IS AN ORGANIZATION DESCRIBED IN 26 UNITED STATES
8 CODE SECTION 501(c)(6) AND IS EXEMPT FROM TAX PURSUANT TO 26
9 UNITED STATES CODE SECTION 501(a).

10 (c) HAS TWO OR MORE MEMBERS WHO ARE FIREARM, FIREARM
11 ACCESSORY OR AMMUNITION MANUFACTURERS OR SELLERS.

12 8. "PUBLIC ENTITY":

13 (a) MEANS THIS STATE, A POLITICAL SUBDIVISION OF THIS
14 STATE OR AN AGENCY, BOARD, COMMISSION OR DEPARTMENT OF THIS
15 STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

16 (b) DOES NOT INCLUDE A POLITICAL SUBDIVISION THAT
17 OPERATES A FEDERAL RECLAMATION PROJECT.

18 Sec. 2. Delayed repeal

19 Title 35, chapter 2, article 4, as added by this act, is
20 repealed from and after December 31, 2032.

21 2. The Secretary of State shall submit this proposition to the
22 voters at the next general election as provided by article IV, part 1,
23 section 1, Constitution of Arizona.