

By: Capriglione

H.B. No. 2558

A BILL TO BE ENTITLED

AN ACT

relating to prohibited state contracts with companies that discriminate against the firearm or ammunition industries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2274 to read as follows:

CHAPTER 2274. PROHIBITION ON CONTRACTS WITH COMPANIES THAT DISCRIMINATE AGAINST FIREARM AND AMMUNITION INDUSTRIES

Sec. 2274.001. DEFINITIONS. In this chapter:

(1) "Ammunition" means a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile.

(2) "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit.

(3) "Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

(A) refuse to engage in the trade of any goods or services;

(B) refrain from continuing an existing business relationship;

1                   (C) terminate an existing business relationship;  
2 or  
3                   (D) otherwise express a prejudice against the  
4 entity or association.

5                   (4) "Firearm" means a weapon that expels a projectile  
6 by the action of explosive or expanding gases.

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

13                   (6) "Firearm entity" means:

14                   (A) a firearm, firearm accessory, or ammunition  
15 manufacturer, distributor, wholesaler, supplier, or retailer; and

16                   (B) a sport shooting range as defined by Section  
17 250.001, Local Government Code.

18                   (7) "Firearm trade association" means any person,  
19 corporation, unincorporated association, federation, business  
20 league, or business organization that:

21                   (A) is not organized or operated for profit and  
22 for which none of its net earnings inures to the benefit of any  
23 private shareholder or individual;

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

26                   (C) is exempt from federal income taxation under  
27 Section 501(a), Internal Revenue Code of 1986, as an organization

1 described by Section 501(c)(6) of that code.

2 (8) "Governmental entity" has the meaning assigned by  
3 Section 2251.001.

4 Sec. 2274.002. PROVISION REQUIRED IN CONTRACT. (a) This  
5 section applies only to a contract to be paid partly or wholly from  
6 public funds between a governmental entity and a company with at  
7 least 10 full-time employees that has a value of at least \$100,000.

8 (b) A governmental entity may not enter into a contract with  
9 a company for the purchase of goods or services unless the contract  
10 contains a written verification from the company that it:

11 (1) does not have a written or unwritten internal  
12 practice, policy, guidance, or directive that discriminates  
13 against a firearm entity or firearm trade association based solely  
14 on its status as a firearm entity or firearm trade association; and

15 (2) will not discriminate during the term of the  
16 contract against a firearm entity or firearm trade association  
17 based solely on its status as a firearm entity or firearm trade  
18 association.

19 SECTION 2. The change in law made by this Act applies only  
20 to a contract entered into on or after the effective date of this  
21 Act. A contract entered into before the effective date of this Act  
22 is governed by the law as it existed immediately before the  
23 effective date of this Act, and that law is continued in effect for  
24 that purpose.

25 SECTION 3. This Act takes effect September 1, 2021.