

## HOUSE BILL No. 2311

By Committee on Federal and State Affairs

2-11

1 AN ACT concerning firearms; creating the Kansas firearms industry  
2 nondiscrimination act.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

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

8 Sec. 2. As used in sections 1 through 7, and amendments thereto,  
9 unless the context requires otherwise:

10 (a) "Person" means one or more individuals, partnerships,  
11 associations, limited liability companies, corporations, unincorporated  
12 organizations, mutual companies, joint stock companies, trusts, agents,  
13 legal representatives, trustees, trustees in bankruptcy, receivers, labor  
14 organizations, public bodies, public corporations, the state of Kansas and  
15 all political subdivisions and agencies thereof.

16 (b) "Trade association" means any corporation, unincorporated  
17 association, federation, business league, professional or business  
18 organization not organized or operated for profit and no part of the net  
19 earnings of which inures to the benefit of any private shareholder or  
20 individual; that is an organization described in 26 U.S.C. § 501(c)(6) and  
21 exempt from tax under 26 U.S.C. § 501(a); and two or more members of  
22 which are manufacturers or sellers of a qualified product, as defined by 15  
23 U.S.C. § 7903(4).

24 Sec. 3. It shall be an unlawful discriminatory practice for any person  
25 to refuse to provide any goods or services of any kind, or to refrain from  
26 continuing an existing business relationship, or to terminate an existing  
27 business relationship with, or otherwise discriminate against a person or  
28 trade association, solely because a person, licensed pursuant to chapter 44  
29 of title 18 of the United States code, is engaged in the lawful commerce of  
30 firearms or ammunition products or is a trade association.

31 Sec. 4. A victim of unlawful discriminatory practices described in  
32 section 3, and amendments thereto, may bring a civil cause of action for  
33 unlawful discriminatory practices against any person who committed the  
34 offense for actual and compensatory damages, punitive damages,  
35 injunctive relief and any other appropriate civil relief.

36 Sec. 5. A plaintiff who successfully prevails in a civil action filed

1 pursuant to section 4, and amendments thereto, shall be entitled to recover  
2 reasonable attorney fees and court costs.

3 Sec. 6. A civil cause of action filed pursuant to section 4, and  
4 amendments thereto, shall be filed no later than two years after the date  
5 when the aggrieved person becomes aware of the unlawful discriminatory  
6 practice described in section 3, and amendments thereto.

7 Sec. 7. (a) In addition to any other remedies provided in sections 4  
8 through 6, and amendments thereto, whenever the attorney general has  
9 reason to believe that any person is engaging, has engaged or is about to  
10 engage in any act or practice declared unlawful under section 3, and  
11 amendments thereto, the attorney general may bring an action against such  
12 person:

13 (1) To obtain a declaratory judgment that such act or practice violates  
14 the provisions of section 3, and amendments thereto;

15 (2) to enjoin such act or practice by issuance of a temporary  
16 restraining order or preliminary or permanent injunction, without bond,  
17 upon the giving of appropriate notice; and

18 (3) to recover civil penalties in an amount not to exceed \$10,000 per  
19 violation of section 3, and amendments thereto, or any injunction,  
20 judgment or consent order issued or entered into under the provisions of  
21 sections 1 through 7, and amendments thereto, and reasonable expenses,  
22 investigative costs and attorney fees.

23 (b) Any action, application or motion brought by the attorney general  
24 against a person under this section shall be filed in Shawnee county district  
25 court.

26 Sec. 8. This act shall take effect and be in force from and after its  
27 publication in the statute book.