**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3393**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Taylor, McCravy, West, Burns, Pace, Leber, Hartnett and Thayer

Document Path: LC-0120CM23.docx

Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 156](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 156](h:\hj\20230110.docx))

1/17/2023 House Member(s) request name added as sponsor: Leber,
Hartnett

2/2/2023 House Member(s) request name added as sponsor: Thayer

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3393_20221208.docx)

A bill

TO AMEND THE South Carolina CODE OF LAWS BY ADDING ARTICLE 11 TO CHAPTER 31, TITLE 23 SO AS TO PROVIDE IT IS UNLAWFUL FOR FINANCIAL INSTITUTIONs OR GOVERNMENTAL ENTITies TO DISCRIMINATE AGAINST CERTAIN MANUFACTURERS AND RETAILERS OF FIREARMS, FIREARM ACCESSORIES, OR AMMUNITION, AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 31, Title 23 of the S.C. Code is amended by adding:

Article 11

Firearms Industry Nondiscrimination

Section 23‑31‑1110. As contained in this article:

(1) “Ammunition” means one or more loaded cartridges consisting of a primed case, propellant, and with or without one or more projectiles.

(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 with the entity or association based solely on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by and lawful practices of firearms entities and trade associations;

(b) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by and lawful practices of firearm entities and trade associations; or

(c) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by and lawful practices of firearm entities and trade associations.

The term does not include the established policies of a merchant, retail seller, or platform that restricts or prohibits the listing or selling of ammunition, firearms, or firearm accessories. The term also does not include a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local law, policy, or regulation or directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based solely on the status of an entity or association as a firearm entity or firearm trade association.

(4) “Financial institution” means any person doing business under the laws of any state or commonwealth or the United States relating to banks, bank holding companies, savings banks, payment processors, savings and loan associations, trust companies, or credit unions.

(5) “Firearm” means a weapon which will expel a projectile by the action of an explosive or expanding gases.

(6) “Firearm accessory” means a device specifically designed or adapted to enable the wearing or carrying about one’s person, or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically designed or adapted to be inserted into or affixed onto a firearm to enable, alter, or improve the functioning or capabilities of the firearm. The term includes a detachable firearm magazine.

(7) “Firearm entity” means a firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer, and a gun range.

(8) “Trade association” means any person, corporation, unincorporated association, federation, business league, or professional or business organization:

(a) not organized or operated for profit and for which no part of its net earnings inures to the benefit of any private shareholder or individual;

(b) that is an organization described in 26 U.S.C. Section 502(c)(6) and exempt from tax under 26 U.S.C. Section 501(a); and

(c) two or more members of which are manufacturers or sellers of firearms, firearms accessories, or ammunition.

(9) “Governmental entity” means any branch, department, agency, or instrumentality of state government, or any official or other person acting under the color of state law, or any political subdivision of this State.

Section 23-31-1120. (A) The provisions of this section apply only to a contract that is between a governmental entity and a company with at least ten full-time employees and has a value of at least one hundred thousand dollars that is paid wholly or partly from public funds of the governmental entity.

(B) Except as provided by subsection (C), a governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

(C) The provisions of subsection (B) shall not apply to a governmental entity that contracts with a sole-source provider, or does not receive a bid from a company that is able to provide the written verification required by subsection (B).

Section 23‑31‑1130. (A) Except as provided in Section 23-31-1120, it shall be an unlawful discriminatory practice for a governmental entity or financial institution to:

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

(2) refrain from continuing an existing business relationship with;

(3) terminate an existing business relationship with; or

(4) otherwise discriminate against a:

(a) manufacturer of firearms, firearms accessories, or ammunition;

(b) retailer of firearms, firearms accessories, or ammunition;

(c) distributor of firearms, firearms accessories, or ammunition;

(d) shooting range; or

(e) trade association, because the manufacturer, retailer, distributor, shooting range, or trade association supports or is engaged in the lawful commerce of firearms, firearms accessories, or ammunition products.

(B) It shall not be a violation of subsection (A) for a financial institution to:

(1) refuse to provide;

(2) refrain from continuing to provide; or

(3) terminate financial services with a manufacturer, retailer, distributor, shooting range, or trade association identified in subsection (A) for any business reason or due to a directive by a regulator.

(C) As contained in this section, a business reason shall not mean a policy of refusing to provide financial services or otherwise discriminate in the provision of financial services to a manufacturer, retailer, distributor, shooting range, or trade association identified in subsection (A).

Section 23‑31‑1140. (A) A victim of an unlawful discriminatory practice under this article may bring a civil cause of action against an entity for the unlawful discriminatory practice. Remedies may include:

(1) actual and compensatory damages;

(2) treble damages;

(3) exemplary damages;

(4) injunctive relief; and

(5) any other appropriate civil relief.

(B) A plaintiff who prevails in a civil action filed pursuant to this section is entitled to recover reasonable attorney fees and all court costs.

(C) A civil cause of action filed pursuant to this section must be filed no later than two years after the date when the victim became aware of the unlawful discriminatory practice.

Section 23‑31‑1150. (A) The Attorney General may file a civil cause of action in circuit court against an entity believed to be engaging or has engaged previously in an unlawful discriminatory practice under this article to:

(1) obtain a declaratory judgment that the act or practice violates provisions of this article;

(2) enjoin any act or practice that violates the provisions of this article by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice; or

(3) recover civil relief of up to ten thousand dollars per violation of this article.

(B) In an action brought by the Attorney General under this section in which the State has prevailed, the court shall award, in addition to any other remedies, reasonable attorney’s fees, investigative costs, and litigation costs to the Attorney General.

(C) The Attorney General shall recommend to the Governor a discontinuation of state business relations with entities found to be in violation of this article.

SECTION 2. This act takes effect upon approval by the Governor.

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