

1 State of Arkansas *As Engrossed: H3/5/25 H3/10/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

HOUSE BILL 1509

4

5 By: Representative Beaty Jr.

6 By: Senator Hill

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8

For An Act To Be Entitled

9 AN ACT TO CREATE THE SECOND AMENDMENT FINANCIAL
10 PRIVACY ACT; TO PROHIBIT FINANCIAL INSTITUTIONS FROM
11 USING CERTAIN DISCRIMINATORY PRACTICES; AND FOR OTHER
12 PURPOSES.

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14

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Subtitle

16

TO CREATE THE SECOND AMENDMENT FINANCIAL
17 PRIVACY ACT; AND TO PROHIBIT FINANCIAL
18 INSTITUTIONS FROM USING CERTAIN
19 DISCRIMINATORY PRACTICES.

20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22

23 SECTION 1. Arkansas Code Title 23, Chapter 32, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 6 – Arkansas Second Amendment Financial Privacy Act

26

27 23-32-601. Title.

28 This subchapter shall be known and may be cited as the "Arkansas Second
29 Amendment Financial Privacy Act".

30

31 23-32-602. Definitions.

32 As used in this subchapter:

33 (1)(A) "Acquirer bank" means a member of a payment card network
34 that contracts with a merchant for the settlement of an electronic payment
35 transaction.

36

(B) "Acquirer bank" includes a bank that contracts



1 directly with a merchant or indirectly through a processor to process an
2 electronic payment transaction;

3 (2) "Ammunition" means the same as defined in 18 U.S.C. § 921,
4 as it existed on January 1, 2025;

5 (3) "Antique firearm" means the same as defined in 18 U.S.C. §
6 921, as it existed on January 1, 2025;

7 (4) "Authorization" means the process by which a merchant
8 requests approval for an electronic payment transaction from the issuer of a
9 credit card or debit card;

10 (5) "Covered entity" means an entity that establishes a
11 relationship with a retailer for the purposes of processing credit, debit, or
12 prepaid transactions;

13 (6) "Credit card" means a card, plate, coupon book, or other
14 credit device existing for the purposes of obtaining money, property, labor,
15 or services on credit;

16 (7) "Customer" means a person engaged in a payment card
17 transaction that a financial institution facilitates or processes;

18 (8) "Debit card" means a card issued by a financial institution
19 to a consumer for use in initiating an electronic fund transfer from the
20 account of the consumer at the financial institution for the purpose of
21 transferring money between accounts or obtaining money, property, labor, or
22 services;

23 (9) "Depository institution" means:

24 (A) A depository institution as defined in 12 U.S.C. §
25 1813(c)(1), as it existed on January 1, 2025; or

26 (B) An insured credit union as defined in 12 U.S.C. §
27 1752(7), as it existed on January 1, 2025;

28 (10) "Electronic payment transaction" means a transaction in
29 which a person uses a debit card, a credit card, or other payment code or
30 device issued or approved through a payment card network to debit a deposit
31 account or use a line of credit, whether or not authorization is based on a
32 signature, personal identification number, or other means;

33 (11)(A) "Financial institution" means an entity involved in
34 facilitating or processing a payment card transaction.

35 (B) "Financial institution" includes:

36 (i) An acquirer bank;

- 1 (ii) A payment card network;
2 (iii) A payment card issuer;
3 (iv) A depository institution;
4 (v) A trust company;
5 (vi) A savings bank;
6 (vii) A person subject to the jurisdiction of the:
7 (a) United States Securities and Exchange
8 Commission;
9 (b) Bank Commissioner under the Arkansas
10 Banking Code of 1997, chapters 45-50 of this title;
11 (c) Securities Commissioner under the Arkansas
12 Securities Act, § 23-42-101 et seq.; or
13 (d) Insurance Commissioner under the Arkansas
14 Insurance Code; or
15 (viii) Any other institution that:
16 (a) Holds and receives deposits, savings, or
17 share accounts;
18 (b) Issues certificates of deposit;
19 (c) Provides to its customers any deposit
20 accounts subject to withdrawal by check, instrument, order, or electronic
21 means to effect third-party payments;
22 (d) Provides insurance services; or
23 (e) Provides investment services;
24 (12)(A) "Firearm" means the same as defined in 18 U.S.C. § 921,
25 as it existed on January 1, 2025.
26 (B) "Firearm" includes:
27 (i) An antique firearm;
28 (ii) A rifle;
29 (iii) A shotgun; and
30 (iv) A handgun;
31 (13) "Firearms retailer" means a person that is:
32 (A) Physically located in Arkansas; and
33 (B) Engaged in the lawful business of selling or trading
34 firearms, firearm accessories or firearm components, or ammunition;
35 (14)(A) "Issuer" means a person issuing a credit card or a debit
36 card.

1 (B) "Issuer" includes an issuer's agent;

2 (15)(A) "Merchant" means a person that accepts credit cards or
3 debit cards from a customer for the purchase of goods or services.

4 (B) "Merchant" includes a firearms retailer that accepts a
5 credit card or a debit card for lawful purchase of a firearm, firearm
6 accessories or firearm components, or ammunition;

7 (16) "Merchant category code" means a code assigned to a
8 retailer based on the types of goods and services offered to a retailer's
9 customers;

10 (17)(A) "Payment card network" means an entity that directly or
11 through a member, processor, or agent provides proprietary services,
12 infrastructure, software, or hardware that routes information used to
13 authorize, clear, and settle credit, debit, or prepaid transactions.

14 (B) "Payment card network" does not include a financial
15 institution that settles a credit, debit, or prepaid transaction directly
16 with a retailer on behalf of a customer;

17 (18) "Person" means an individual, a corporation, an
18 organization, or other legal entity;

19 (19) "Rifle" means the same as defined in 18 U.S.C. § 921, as it
20 existed on January 1, 2025;

21 (20) "Savings bank" means a savings association or federal
22 savings association as defined in 12 U.S.C. § 1462, as it existed on January
23 1, 2025;

24 (21) "Shotgun" means the same as defined in 18 U.S.C. § 921, as
25 it existed on January 1, 2025; and

26 (22) "Trust company" means:

27 (A) A national bank engaged in activities in a fiduciary
28 capacity under 12 U.S.C. § 92a and 12 C.F.R. Part 9;

29 (B) A trust company as defined in § 23-51-102; or

30 (C) An interstate bank that is authorized under the
31 Arkansas Banking Code of 1997, chapters 45-50 of this title, to exercise the
32 powers of a trust company in this state.

33

34 23-32-603. Prohibited conduct.

35 (a)(1) A payment card network shall not require the use of a merchant
36 category code that distinguishes a firearms retailer from other retailers.

1 (2) Subdivision (a)(1) of this section does not apply to an
2 electronic payment transaction at a retailer outside of this state.

3 (b) A covered entity or its agent shall not assign a firearms retailer
4 a merchant category code that distinguishes the firearms retailer from other
5 retailers, including without limitation merchant category code 5723, which
6 was approved in September 2022 by the International Organization for
7 Standardization to firearms retailers.

8 (c) A merchant shall not assign merchant category code 5723, which was
9 approved in September 2022 by the International Organization for
10 Standardization, to a purchase of firearms, firearm accessories or firearm
11 components, or ammunition.

12 (d) This section does not limit the ability of a financial institution
13 or payment card network to negotiate with a responsible party or otherwise
14 impair the financial institution's or payment card network's actions related
15 to:

16 (1) Dispute processing;

17 (2) Fraud management;

18 (3) Protecting transaction integrity from concerns related to
19 illegal activities, a data breach, or cyberattack risks;

20 (4) Management of a loyalty or rewards program related to an
21 electronic payment transaction; or

22 (5) As required by law.

23 (e) A person, unit of government, or governmental organization shall
24 not knowingly keep or cause to be kept a list, record, or registry of:

25 (1) A privately owned firearm; or

26 (2) An owner of a privately owned firearm.

27 (f) This section does not:

28 (1) Prevent an owner or an owner's representative from
29 maintaining a list of the owner's firearms; or

30 (2) Prohibit a law enforcement agency from maintaining a list,
31 registry, or record of firearms that have been stolen or reported stolen.

32
33 23-32-604. Enforcement.

34 (a) The Attorney General may enforce and investigate alleged
35 violations of this subchapter and, upon finding a violation, shall provide
36 written notice to a person believed to be in violation of this subchapter.

1 (b) The Attorney General may be petitioned to investigate an alleged
2 violation of this subchapter by:

3 (1) A firearms retailer whose business was the subject of an
4 alleged violation of this subchapter;

5 (2) A customer who transacted business at a firearms retailer
6 whose business was the subject of an alleged violation of this subchapter; or

7 (3) A person whose ownership of firearms is the subject of an
8 alleged violation of this subchapter.

9 (c)(1) Upon finding a violation of this subchapter, the Attorney
10 General shall provide written notice to a person believed to be in violation
11 of this subchapter.

12 (2) The written notice required under subdivision (c)(1) of this
13 section shall be made to the person believed to be in violation of this
14 subchapter or a registered agent of the person within forty-five (45) days of
15 the finding of the violation and contain the following:

16 (A) Identify the evidence to be relied upon in making a
17 determination of a violation of this subchapter;

18 (B) Notice that the person believed to be in violation of
19 this subchapter has thirty (30) calendar days following the receipt of the
20 written notice to demonstrate that the person is not in violation of this
21 subchapter; and

22 (C) Action to be taken by the Attorney General upon making
23 a determination of a violation of this subchapter.

24 (3) A covered entity shall not be compelled to produce or
25 disclose any data or information deemed confidential, privileged, or
26 otherwise protected from disclosure by state or federal law.

27 (d) Upon receipt of the written notice under subdivision (c)(1) of
28 this section, a person has sixty (60) calendar days to cease the violations
29 of this subchapter.

30 (e)(1) If a person under subsection (d) of this section fails to cease
31 the violations of this subchapter, the Attorney General may request an
32 injunction against the person alleged to be in violation of this subchapter,
33 which a court may order, in addition to any other available relief, as the
34 court may consider appropriate.

35 (2) If a person knowingly fails to comply with an injunction
36 under subdivision (e)(1) of this section, the Attorney General may petition

1 the court to recover a civil penalty in a sum not to exceed ten thousand
2 dollars (\$10,000) for each violation of the injunction.

3 (3) An order assessing a penalty for a violation of this
4 subchapter shall be stayed pending appeal of the order.

5 (4) The remedies under subdivisions (e)(1) and (2) of this
6 section are exclusive remedies for a violation of this subchapter.

7 (f)(1) If the Attorney General provides written notice under
8 subdivision (c)(1) of this section based on the petition of a firearms
9 retailer or a customer of a firearms retailer, then the petitioner shall
10 consent to the disclosure of any financial information held by a covered
11 entity to the Attorney General, whether or not the information is
12 confidential or proprietary to demonstrate that the covered entity is not in
13 violation of this subchapter.

14 (2) If the firearms retailer or customer of a firearms retailer
15 does not consent to the disclosure of financial information under subdivision
16 (f)(1) of this section, the Attorney General shall not pursue the petition to
17 investigate the violation of this subchapter.

18 (g) It is a defense to a civil proceeding initiated under this section
19 that a person made a good faith determination that the person's action was
20 required by applicable law.

21 (h) This section does not create a private right of action.

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23 */s/Beaty Jr.*

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26 **APPROVED: 4/3/25**