

SENATE BILL NO. 301

BY SENATOR MIGUEZ AND REPRESENTATIVES AMEDEE, BERAULT, BILLINGS,
BOYER, CARLSON, CARRIER, CHENEVERT, GALLE, HORTON,
MCCORMICK, ORGERON, OWEN, RISER, ROMERO, THOMPSON,
WILDER AND WYBLE

1 AN ACT

2 To enact Chapter 67 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3300 through R.S. 51:3303, relative to firearms and ammunition retailers;
4 to provide relative to payment card transactions involving firearms and ammunition
5 retailers; to provide for definitions; to provide for violations; to provide for remedies;
6 to provide relative to terms, conditions, and procedures; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 67 of Title 51 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 51:3300 through R.S. 51:3303, is hereby enacted to read as follows:

11 **CHAPTER 67. THE SECOND AMENDMENT FINANCIAL PRIVACY ACT**

12 **§3300. Short Title**

13 **This Chapter shall be known and may be cited as "The Second**
14 **Amendment Financial Privacy Act".**

15 **§3301. Definitions**

16 **As used in this Chapter, the following words and phrases have the**
17 **following meanings:**

18 **(1) "Ammunition" means ammunition or cartridge cases, primers,**
19 **bullets, or propellant powder designed for use in any firearm.**

20 **(2) "Assign" or "assignment" refers to a covered entity's policy, process**
21 **or practice that labels, links, or otherwise associates a merchant category code**
22 **with a merchant or a payment card transaction in a manner that allows the**
23 **covered entity or any other entity facilitating or processing the payment card**
24 **transaction to identify whether a merchant is a firearm retailer or whether a**

1 transaction involves the sale of firearms or ammunition.

2 (3) "Covered entity" means an entity, or agent of an entity, that
3 establishes a relationship with a retailer for the purpose of processing credit,
4 debit, or prepaid transactions.

5 (4) "Firearm" has the same meaning as in R.S. 40:1781 and includes a
6 firearm component or accessory.

7 (5) "Firearm retailer" means any person or entity that is physically
8 located in this state and is engaged in the lawful selling or trading of firearms,
9 antique firearms, or ammunition to be used in firearms or antique firearms.

10 (6) "Government entity" means the state, a political subdivision of the
11 state, or any court, agency, or instrumentality of the foregoing.

12 (7) "Merchant category code" means the code, approved by the
13 international organization for standardization or an equivalent successor
14 organization specifically for firearm retailers, that is assigned to a retailer based
15 on the types of goods and services offered to a retailer's customers.

16 (8) "Payment card" means credit card, charge card, debit card, or any
17 other card that is issued to a customer and allows the customer to purchase
18 goods or services from a merchant.

19 (9) "Payment card network" means an entity, or agent of an entity, that
20 provides the proprietary services, infrastructure, and software to conduct debit
21 card or credit card transaction authorizations, clearances, and settlements and
22 that an entity uses to accept as a form of payment a brand of debit card, credit
23 card, or other device that may be used to carry out debit or credit transactions.

24 (10) "Payment card transaction" means any transaction in which a
25 payment card is accepted as payment.

26 §3302. Financial privacy

27 A. Except for those records kept during the regular course of a criminal
28 investigation and prosecution, or as otherwise required by law, no government
29 entity or official and no agent or employee of a governmental entity shall
30 knowingly keep or cause to be kept any list, record, or registry of privately

1 owned firearms or the owners of those firearms.

2 B. A payment card network shall not require or incentivize the use of a
3 merchant category code in a manner that distinguishes a firearm retailer from
4 other retailers.

5 C. A covered entity shall not assign a firearm retailer a merchant
6 category code that distinguishes the firearm retailer from other retailers.

7 §3303. Violations

8 A. The attorney general shall investigate reasonable allegations that a
9 person or entity, including a government entity, has violated the provisions of
10 this Chapter and, upon finding violation, provide written notice to the person
11 or entity believed to have committed the violation. The person or entity shall
12 cease the violation within thirty business days after receiving written notice
13 from the attorney general pursuant to this Section.

14 B.(1) If a person or entity does not cease the violation within thirty
15 business days after receiving written notice from the attorney general in
16 accordance with this Section, the attorney general shall file an action against
17 that person or entity to seek an injunction.

18 (2) If the court finds that the person or entity violated the provisions of
19 this Chapter and has not ceased the activity constituting the violation, the court
20 shall enjoin the person or entity from continuing such activity and shall award
21 attorney fees and costs.

22 (3) If a person or entity purposely fails to comply with an injunction
23 issued pursuant to Paragraph (2) of this Subsection after thirty business days
24 of being served with the injunction, the attorney general, upon petition to the
25 court, shall seek to impose on that person or entity a civil fine in an amount not
26 to exceed one thousand dollars per violation. In assessing such a civil fine, the
27 court shall consider factors resulting from the violation, including the financial
28 resources of the violator and the harm or risk of harm to the rights under the
29 Second Amendment to the United States Constitution and Article I, Section 11
30 of the Constitution of Louisiana.

1 **(4) Any order assessing a civil fine pursuant to Paragraph (3) of this**
2 **Subsection shall be stayed pending appeal of the order.**

3 **C. The attorney general has exclusive authority to enforce the provisions**
4 **of this Chapter. The remedies set forth in this Section are the exclusive remedies**
5 **for any violation of this Chapter.**

6 **D. It shall be a defense to a proceeding initiated pursuant to this Section**
7 **that a merchant category code was required to be permitted or assigned by law.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____