

HOUSE BILL 561

By Travis

AN ACT to amend Tennessee Code Annotated, Title 47,
relative to the "Tennessee Firearms Industry
Nondiscrimination Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-5601.

This part shall be known and may be cited as the "Tennessee Firearms Industry Nondiscrimination Act."

47-18-5602.

As used in this part:

- (1) "Bank" has the same meaning as defined in § 47-1-201;
- (2) "Financial institution" means a bank or merchant acquirer;
- (3) "Financial services" means any service or product offered to a consumer or business by a financial institution;
- (4) "Merchant acquirer" means a bank or business that processes debit or credit card payments on behalf of a merchant;
- (5) "Person" means an individual, partnership, association, company, corporation, organization, or other business or entity that:
 - (A) Is lawfully engaged in commerce with respect to qualified products; and
 - (B) Holds a license under § 18 U.S.C. 923;

(6) "Qualified product" has the same meaning as defined in § 15 U.S.C. 7903(4); and

(7) "Trade association" means an association:

(A) That is an organization described in § 26 U.S.C. 501(c)(6) and exempt from taxation under § 26 U.S.C. 501(a); and

(B) For which two (2) or more members of the association are manufacturers or sellers of a qualified product.

47-18-5603.

(a) A financial institution shall not discriminate against a person solely on the basis that the person is lawfully engaged in commerce with respect to qualified products or against a trade association solely on the basis of its status as a trade association.

(b) Discrimination under subsection (a) includes, but is not limited to:

(1) The refusal of a financial institution to provide financial services to a person or trade association;

(2) The discontinuation or termination by a financial institution of existing financial services provided to a person or trade association; and

(3) Any other act of or omission by a financial institution with respect to the provision of financial services that constitutes the prejudicial treatment of a person or trade association.

47-18-5604.

(a) If the attorney general has reason to believe that a financial institution has violated § 47-18-5603, the attorney general shall investigate and, upon finding sufficient evidence of a violation of § 47-18-5603, bring an action in the name of the state against the financial institution to:

(1) Obtain a declaratory judgment that the financial institution has violated § 47-18-5603;

(2) Enjoin any act or practice of the financial institution that constitutes the violation of § 47-18-5603 by the issuance of a temporary restraining order, preliminary injunction, or permanent injunction, without bond, upon giving appropriate notice to the financial institution; and

(3) Recover a civil penalty not to exceed ten thousand dollars (\$10,000) for each violation of § 47-18-5603.

(b) The attorney general shall bring an action in the name of the state to enforce any injunction, judgment, or order issued pursuant to an action commenced under subsection (a). The attorney general may recover a civil penalty not to exceed ten thousand dollars (\$10,000) upon a finding that a financial institution has violated any injunction, judgment, or order issued pursuant to an action commenced under subsection (a).

(c) A court shall award the attorney general reasonable attorney's fees and costs if the attorney general prevails in an action commenced under subsection (a) or (b).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.