

Amendment to HB 1186-FN

1 Amend the bill by replacing section 2 with the following:

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3 2 New Chapter; Firearm Purchaser's Privacy. Amend RSA by inserting after chapter 159-E the  
4 following new chapter:

5 CHAPTER 159-F

6 FIREARM PURCHASER'S PRIVACY

7 159-F:1 Definitions.

8 In this chapter:

9 I. "Electronic payment transaction" means a transaction in which a person uses a payment  
10 card or other payment code or device issued or approved through a payment card network to debit a  
11 deposit account or use a line of credit, whether authorization is based on a signature, personal  
12 identification number, or other means.

13 II. "Firearms code" means the merchant category code 5723, approved in September 2022 by  
14 the International Organization for Standardization, for firearms retailers.

15 III. "Firearms retailer" means any person or entity physically located in this state engaged  
16 in the lawful sale of firearms, ammunition for use in firearms, or firearms accessories.

17 IV. "Payment card" means a credit card, debit card, check card, or other card that is issued  
18 to an authorized user to purchase or obtain goods, services, money, or any other thing of value.

19 V. "Payment card issuer" means a lender, including a financial institution, or a merchant  
20 that receives applications and issues payment cards to individuals.

21 VI. "Payment card network" means an entity that directly or through a licensed member,  
22 processor, or agent provides the proprietary services, infrastructure, and software that route  
23 information and data to conduct debit card or credit card transaction authorization, clearance, and  
24 settlement, and that an entity uses in order to accept as a form of payment a brand of debit card,  
25 credit card, or other device that may be used to carry out debit or credit transactions.

26 159-F:2 Firearm Code Usage Prohibited.

27 I. A payment card network may not assign to a merchant or require a merchant to use a  
28 firearms code.

29 II. For the purposes of the sale of firearms, ammunition for use in firearms, and firearms  
30 accessories, a firearms retailer may not provide a firearms code to a payment card issuer or payment  
31 card network and may only use or be assigned a merchant category code for general merchandise  
32 retailers or sporting goods retailers.

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1       159-F:3 Authority of Attorney General to Investigate Violations.

2           I. If the attorney general has reasonable cause to believe that a person or entity has  
3 intentionally engaged in, is engaging in, or is about to engage in a violation of this chapter, the  
4 attorney general shall have the power to examine witnesses and documents for the purpose of  
5 enforcing the provisions of this chapter.

6           II. If the attorney general believes a person under investigation for violation of the  
7 provisions of this chapter may have information or be in possession, custody or control of any  
8 document or other tangible object relevant to the investigation, before the institution of any court  
9 proceedings, the attorney general may serve upon the person a written demand in the form of a  
10 subpoena or subpoena duces tecum to appear and be examined under oath and to produce the  
11 documents or objects for inspection and copying.

12       159-F:4 Notice and Opportunity to Cure.

13           I. Upon a finding by the attorney general that there has been a violation of this chapter, the  
14 attorney general shall give written notice to the person or entity, identifying the specific provisions  
15 of this chapter that are or were being violated.

16           II. The attorney general may not bring an action against the person or entity if the person or  
17 entity:

18                   (a) Cures the identified violation within 30 days; and

19                   (b) Provides the attorney general a written statement affirming that the person or entity  
20 has:

21                           (1) Cured the alleged violation;

22                           (2) Provided supporting documentation to show how the violation was cured; and

23                           (3) Made changes to internal policies to prevent the recurrence of any similar  
24 violation in the future.

25       159-F:5 Enforcement; Civil Penalty; Injunction.

26           I. The attorney general has exclusive authority to enforce this chapter.

27           II. If a person or entity is found to be intentionally in violation of this chapter and fails to  
28 cure the violation in accordance with RSA 159-F:4, or is found to have intentionally breached a  
29 written statement provided to the attorney general under that section, the attorney general may  
30 seek an injunction against any such person or entity alleged to be in violation of this chapter in a  
31 court of competent jurisdiction. The court has authority to issue such an injunction, in addition to  
32 any other relief as the court may consider appropriate.

33           III. The attorney general may bring an action to:

34                   (a) Recover a civil penalty under this section; and

35                   (b) Restrain or enjoin a person or entity from violating this chapter.

36           IV. The attorney general may recover reasonable attorney's fees and other reasonable  
37 expenses incurred in investigating and bringing an action under this section.

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AMENDED ANALYSIS

This bill prohibits the assigning of a specific merchant code to the sale of firearms, ammunition, or firearm accessories. This bill further provides a mechanism for enforcement of this prohibition.