## **WEST VIRGINIA CODE: §5A-14-2**

## §5A-14-2. Definitions.

For purposes of the Firearm Industry Nondiscrimination Act:

- (1) "Ammunition" means a loaded cartridge or shot shell, case, primer, projectile, wadding, or propellant powder.
- (2) "Contract" means a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and the right to seek a remedy for the breach of those duties: *Provided*, That the term does not include an agreement related to investment services.
- (3) "Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:
- (A) Refuse to provide or engage in services with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations;
- (B) Refrain from continuing an existing business relationship with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations; or
- (C) Terminate an existing business relationship with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations:
- (D) The term does not include the policies of a vendor, merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories;
- (E) The term also does not include a decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local laws, policies, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based on the status of an entity or association as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations.
- (4) "Financial institution" means an entity that does business or have a contract with this state, and is one of the following:

- (A) An insured bank as defined in section 3(h) of the Federal Deposit Insurance Act;
- (B) A commercial bank or trust company;
- (C) A credit union; or
- (D) An operator of a credit card system.
- (5) "Firearm" means any weapon which will expel a projectile by action of an explosion. For purposes of this article, the term "firearm" includes antique firearms, as defined in §61-7-2 of this code.
- (6) "Firearm accessories or components" means:
- (A) Any device specifically adapted to enable the wearing or carrying about one's person or the storage or mounting in or on any conveyance of a firearm and any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm;
- (B) Any item that is used in conjunction with or mounted upon a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, braces, ammunition carriers, and lights for target illumination;
- (C) Any component for making ammunition, reloading materials and equipment, machinery, and tools for manufacturing ammunition; and
- (D) Detachable firearm magazines.
- (7) "Firearm entity" means:
- (A) A firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer; or
- (B) A shooting range as defined in §61-6-23 of this code.
- (8) "Firearm trade association" means any person, corporation, unincorporated association, federation, business league, or business organization that:
- (A) Is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;
- (B) Has two or more firearm entities as members; and
- (C) Is exempt from federal income taxation under section 501(a) of the Internal Revenue Code of 1986, as an organization described by section 501(c) of such code.

- (9) "Governmental entity" means:
- (A) Any state agency; or
- (B) Any political subdivision of this state.
- (10) "Sole-source provider" means a supplier who provides services of a unique nature or services that are solely available through the supplier and the supplier is the only practicable source to provide the services.
- (11) "State agency" means any agency, board, or commission of this state other than the courts and the Legislature.