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:

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(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.

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(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.

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