



January 25, 2024

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## HOUSE BILL No. 1084

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DIGEST OF HB 1084 (Updated January 25, 2024 10:06 am - DI 101)

**Citations Affected:** IC 24-5.

**Synopsis:** Privacy of firearms financial transactions. Prohibits a governmental entity or any other person from knowingly or willfully keeping any list, record, or registry of: (1) privately owned firearms; or (2) the owners of firearms; with respect to Indiana consumers. Defines a "firearms code" as a merchant category code approved by the International Organization for Standardization specifically for firearms retailers. Provides that in a payment card transaction, a merchant acquirer or a payment card network may not: (1) use; or (2) require the use of; a firearms code in a way that distinguishes a firearms retailer with at least one physical location in Indiana from general merchandise retailers or sporting goods retailers. Prohibits a financial services provider from declining or otherwise refusing to process a lawful payment card transaction based solely on the assignment or nonassignment of a firearms code to the payment card transaction. Prohibits a financial services provider from disclosing a financial record that: (1) is related to a payment card transaction; and (2) includes protected financial information, including a firearms code  
(Continued next page)

**Effective:** July 1, 2024.

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## Teshka, Manning, Haggard, Speedy

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January 8, 2024, read first time and referred to Committee on Financial Institutions.  
January 25, 2024, amended, reported — Do Pass.

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HB 1084—LS 6643/DI 101



## Digest Continued

used, collected, or assigned in violation of the bill's provisions. Specifies that the bill's provisions apply only to a payment card transaction that is initiated after June 30, 2024, at a firearms retailer that is physically located in Indiana. Requires the attorney general, upon receiving notice of an alleged violation of the bill's provisions from: (1) a firearms retailer whose business is the subject of the alleged violation; or (2) an Indiana consumer involved in a payment card transaction that is the subject of the alleged violation; to investigate the alleged violation and, upon finding a violation, to provide written notice to any person, public or private, found to be in violation. Provides that upon receiving a written notice from the attorney general of a violation, a person has 30 calendar days to cease the violation. Requires the attorney general to seek injunctive relief in a court having jurisdiction for continued violations of the bill's provisions. Provides that if a person violates an injunction issued by a court, the attorney general shall petition the issuing court for a civil penalty not to exceed \$10,000 per violation of the injunction. Sets forth certain factors that a court must consider in determining the amount of the civil penalty. Specifies that the remedies set forth in the bill are the exclusive remedies for a violation of the bill's provisions.

**HB 1084—LS 6643/DI 101**



January 25, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

## HOUSE BILL No. 1084

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A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 24-5-27.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]:  
4 **Chapter 27.5. Privacy of Firearms Financial Transactions**  
5 **Sec. 1. (a) This chapter applies to a payment card transaction**  
6 **that is initiated after June 30, 2024, at a firearms retailer that is**  
7 **physically located in Indiana.**  
8 **(b) This chapter does not apply to a payment card transaction**  
9 **that is initiated at a firearms retailer's physical location outside**  
10 **Indiana regardless of whether the:**  
11 **(1) purchaser in the payment card transaction is an Indiana**  
12 **consumer; or**  
13 **(2) firearms retailer has at least one (1) physical location in**  
14 **Indiana.**  
15 **Sec. 2. As used in this chapter, "affiliate" means any person who**

HB 1084—LS 6643/DI 101



1 directly or indirectly:

- 2 (1) controls;  
 3 (2) is controlled by; or  
 4 (3) is under the common control of;

5 another person.

6 Sec. 3. As used in this chapter, "credit card" means any:

- 7 (1) card;  
 8 (2) plate; or  
 9 (3) other single credit device;

10 that may be used from time to time to obtain credit (as defined in  
 11 12 CFR 1026.2(a)(14)).

12 Sec. 4. As used in this chapter, "debit card" means any:

- 13 (1) card;  
 14 (2) plate; or  
 15 (3) other single device;

16 that may be used from time to time to access an asset account,  
 17 regardless of whether authorization for the debit is based on a  
 18 signature, a personal identification number, or other means.

19 Sec. 5. As used in this chapter, "disclose", with respect to  
 20 protected financial information, means to transfer, publish, or  
 21 distribute the protected financial information to another person for  
 22 any purpose other than to:

- 23 (1) process or facilitate a payment card transaction;  
 24 (2) take any action related to:  
 25 (A) dispute processing;  
 26 (B) fraud management; or  
 27 (C) protecting the integrity of the transaction with respect  
 28 to:  
 29 (i) illegal activity;  
 30 (ii) security breaches; or  
 31 (iii) cyber risks;

32 with respect to a payment card transaction; or

- 33 (3) manage a loyalty or rewards program related to a  
 34 payment card transaction.

35 Sec. 6. As used in this chapter, "financial institution" means any  
 36 bank, trust company, corporate fiduciary, savings association,  
 37 credit union, savings bank, bank of discount and deposit, or  
 38 industrial loan and investment company organized or reorganized  
 39 under Indiana law, the law of another state (as defined in  
 40 IC 28-2-17-19), or United States law.

41 Sec. 7. (a) As used in this chapter, "financial services provider"  
 42 means any of the following that is involved in facilitating or



1 processing a payment card transaction, as appropriate in the  
2 context:

3 (1) A financial institution.

4 (2) A person engaged in money transmission in Indiana under  
5 IC 28-8-4.1.

6 (3) A payment card issuer.

7 (4) A payment card network.

8 (5) A merchant acquirer.

9 (b) The term includes an:

10 (1) affiliate;

11 (2) officer;

12 (3) agent; or

13 (4) employee;

14 of a person listed in subsection (a).

15 Sec. 8. As used in this chapter, "firearm" includes the following:

16 (1) A firearm (as defined in IC 34-12-3-1).

17 (2) Ammunition for use in a firearm.

18 (3) Firearm components.

19 (4) Firearm accessories.

20 Sec. 9. As used in this chapter, "firearms code" means a  
21 merchant category code approved by the International  
22 Organization for Standardization specifically for firearms  
23 retailers.

24 Sec. 10. As used in this chapter, "firearms retailer" means any  
25 person that:

26 (1) is engaged in the lawful business of selling or trading  
27 firearms; and

28 (2) has at least one (1) physical location in Indiana.

29 Sec. 11. (a) As used in this chapter, "governmental entity"  
30 means any of the following:

31 (1) The state.

32 (2) A state agency (as defined in IC 1-1-15-3).

33 (3) A political subdivision (as defined in IC 36-1-2-13) or an  
34 instrumentality of a political subdivision (as defined in  
35 IC 36-1-2-13).

36 (b) The term includes an:

37 (1) official;

38 (2) agent; or

39 (3) employee;

40 of an entity listed in subsection (a).

41 Sec. 12. As used in this chapter, "Indiana consumer" means a:

42 (1) natural person whose principal residence is in Indiana; or



1           (2) person, other than a natural person, that is domiciled in  
2           Indiana.

3           Sec. 13. As used in this chapter, "merchant acquirer" means a  
4           person that establishes a relationship with a merchant to enable the  
5           processing of payment card transactions by collecting funds from  
6           the payment card issuer in the transaction and depositing them in  
7           the merchant's account.

8           Sec. 14. As used in this chapter, "payment card" means:

- 9           (1) a credit card;  
10          (2) a debit card; or  
11          (3) another device that may be used to carry out debit or  
12          credit transactions.

13          Sec. 15. As used in this chapter, "payment card issuer" means  
14          a:

- 15          (1) lender, including a financial institution; or  
16          (2) merchant;  
17          that receives applications for and issues payment cards to  
18          consumers.

19          Sec. 16. As used in this chapter, "payment card network" means  
20          an entity that directly, or through licensed members, processors,  
21          or agents, provides the proprietary services, infrastructure, and  
22          software that:

- 23          (1) route information and data to conduct debit card or credit  
24          card transaction authorization, clearance, and settlement; and  
25          (2) a merchant or seller uses in order to accept as a form of  
26          payment a brand of:  
27                  (A) debit card;  
28                  (B) credit card; or  
29                  (C) another device that may be used to carry out debit or  
30          credit transactions.

31          Sec. 17. As used in this chapter, "payment card transaction"  
32          means a transaction in which a consumer uses a payment card to  
33          purchase or obtain goods, services, money, or any other thing of  
34          value.

35          Sec. 18. As used in this chapter, "person" means:

- 36          (1) a natural person; or  
37          (2) an organization, including a corporation, a partnership, a  
38          proprietorship, an association, a cooperative, an estate, or a  
39          trust.

40          Sec. 19. As used in this chapter, "protected financial  
41          information" means any record of a:

- 42          (1) sale;



- 1           (2) purchase;  
 2           (3) return; or  
 3           (4) refund;  
 4           that is made or processed with a payment card and that is  
 5           retrieved, characterized, generated, labeled, sorted, or grouped  
 6           based on the assignment of a firearms code.
- 7           Sec. 20. (a) Except as provided in subsection (b), or as otherwise  
 8           required by law, a governmental entity or any other person, public  
 9           or private, shall not knowingly or willfully keep or cause to be kept  
 10          any:
- 11           (1) list, record, or registry of privately owned firearms; or  
 12           (2) list, record, or registry of the owners of firearms;  
 13          with respect to Indiana consumers.
- 14          (b) Subsection (a) does not apply with respect to the following:
- 15           (1) Records kept during the regular course of a criminal  
 16           investigation or prosecution.  
 17           (2) Records kept by the owner of privately owned firearms.  
 18           (3) Information submitted to a law enforcement agency in  
 19           connection with an application for a license to carry a  
 20           handgun under IC 35-47-2-3, subject to the limitations set  
 21           forth in IC 35-47-2-3(n) and IC 35-47-2-3(o).
- 22          Sec. 21. In a payment card transaction, a merchant acquirer or  
 23          payment card network may not:
- 24           (1) use; or  
 25           (2) require the use of;  
 26          a firearms code in a way that distinguishes a firearms retailer with  
 27          at least one (1) physical location in Indiana from general  
 28          merchandise retailers or sporting goods retailers.
- 29          Sec. 22. (a) Except as provided in subsection (b), a financial  
 30          services provider may not decline or otherwise refuse to process a  
 31          lawful payment card transaction based solely on the assignment or  
 32          nonassignment of a firearms code to the payment card transaction.
- 33          (b) A financial services provider may decline or otherwise refuse  
 34          to process a lawful payment card transaction involving a firearms  
 35          retailer on the basis of the assignment or nonassignment of a  
 36          firearms code:
- 37           (1) at the request of the consumer;  
 38           (2) in accordance with:  
 39           (A) fraud controls; or  
 40           (B) merchant category exclusions offered by a financial  
 41           services provider for the purpose of expenditure control or  
 42           corporate card control;



1 applicable to the payment card involved in the payment card  
2 transaction; or

3 (3) for purposes of restricting the use or availability of a  
4 firearms code in Indiana.

5 Sec. 23. Except as otherwise required by law, a financial services  
6 provider may not disclose a financial record that:

7 (1) is related to a payment card transaction; and

8 (2) includes protected financial information, including a  
9 firearms code that was used, collected, or assigned in violation  
10 of this chapter.

11 Sec. 24. With respect to a payment card transaction, this  
12 chapter may not be construed to:

13 (1) limit the ability of a financial services provider to  
14 negotiate with responsible parties; or

15 (2) otherwise impair a financial services provider's actions;  
16 related to dispute processing, fraud management, or protecting the  
17 integrity of the payment card transaction with respect to illegal  
18 activity, security breaches, or cyber risks.

19 Sec. 25. (a) The attorney general shall, upon receiving notice of  
20 an alleged violation of this chapter from:

21 (1) a firearms retailer whose business is the subject of the  
22 alleged violation with respect to a payment card transaction;

23 or

24 (2) an Indiana consumer involved in a payment card  
25 transaction that is the subject of the alleged violation;

26 investigate the alleged or suspected violation. If the attorney  
27 determines that a violation has occurred, the attorney general shall  
28 provide written notice to any person, public or private, found to be  
29 in violation of this chapter. Upon receiving a written notice from  
30 the attorney general under this subsection, a person has thirty (30)  
31 calendar days from the date of receipt to cease the violation of this  
32 chapter.

33 (b) If a person found to be in violation of this chapter fails to  
34 cease the violation within the thirty (30) day period set forth in  
35 subsection (a), the attorney general shall seek, in a court having  
36 jurisdiction, injunctive relief against the person. If the court finds  
37 that the person continues to be in violation of this chapter after the  
38 thirty (30) day period set forth in subsection (a), the court shall  
39 enjoin the person from continuing the activity found to be in  
40 violation of this chapter.

41 (c) If an injunction is issued under subsection (b), and the  
42 person subject to the injunction knowingly or willfully fails to





1       **comply with the injunction within thirty (30) calendar days after**  
2       **being served with the injunction, the attorney general shall petition**  
3       **the issuing court for, and may recover on behalf of the state, a civil**  
4       **penalty not to exceed ten thousand dollars (\$10,000) per violation**  
5       **of the injunction that occurs after the thirty (30) day period**  
6       **described in this subsection. In determining the amount of a civil**  
7       **penalty under this subsection, the court shall consider:**

8               **(1) the financial resources of the person found to be in**  
9               **violation;**

10              **(2) the harm or risk of harm to an Indiana consumer's rights**  
11              **or to a firearms retailer's rights, as applicable, under:**

12                      **(A) the Second Amendment to the Constitution of the**  
13                      **United States; or**

14                      **(B) Article 1, Section 32 of the Constitution of the State of**  
15                      **Indiana; and**

16              **(3) any other factor considered relevant by the court.**

17       **The attorney general is entitled to recover, in addition to the civil**  
18       **penalty under this subsection, the attorney general's investigative**  
19       **costs and reasonable attorney's fees. However, an order assessing**  
20       **a civil penalty under this subsection shall be stayed pending an**  
21       **appeal of the order.**

22              **(d) The remedies set forth in this section are the exclusive**  
23              **remedies for a violation of this chapter.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1084, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "2024:" and insert "**2024, at a firearms retailer that is physically located in Indiana.**".

Page 1, delete lines 7 through 15.

Page 2, delete lines 1 through 5.

Page 2, line 36, delete "or".

Page 3, line 3, delete "transaction." and insert "**transaction; or (3) manage a loyalty or rewards program related to a payment card transaction.**".

Page 3, line 35, after "any" insert "**person that:**

**(1) is engaged in the lawful business of selling or trading firearms; and**

**(2) has at least one (1) physical location in Indiana.**".

Page 3, delete lines 36 through 37.

Page 6, line 4, delete "or".

Page 6, line 11, delete "transaction." and insert "**transaction; or (3) for purposes of restricting the use or availability of a firearms code in Indiana.**".

Page 6, line 26, delete "upon:" and insert "**upon receiving notice of an alleged violation of this chapter from:**

**(1) a firearms retailer whose business is the subject of the alleged violation with respect to a payment card transaction; or**

**(2) an Indiana consumer involved in a payment card transaction that is the subject of the alleged violation;".**

Page 6, delete lines 27 through 38.

and when so amended that said bill do pass.

(Reference is to HB 1084 as introduced.)

SPEEDY

Committee Vote: yeas 9, nays 4.

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