

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 ENROLLED ACT No. 1084

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 2-3-10-2, AS ADDED BY P.L.181-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. A member of the general assembly who

- (1) possesses a valid Indiana license to carry a handgun; and
- (2) is otherwise permitted to possess a handgun;

is not prohibited under state or federal law from possessing a handgun has the right to carry a handgun within the state capitol building and on the property of the state capitol complex.

SECTION 2. IC 2-3-10-3, AS ADDED BY P.L.181-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) Subject to governing authority rules and policies concerning personnel practices, a member of the professional staff of the general assembly who

- (1) possesses a valid Indiana license to carry a handgun; and
- (2) is otherwise permitted to possess a handgun;

is not prohibited under state or federal law from possessing a handgun has the right to carry a handgun within the state capitol building and on the property of the state capitol complex.

(b) A member of the Indiana lobby registration commission established under IC 2-7-1.6-1 who

- (1) possesses a valid Indiana license to carry a handgun; and

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(2) is otherwise permitted to possess a handgun;
is not prohibited under state or federal law from possessing a handgun has the right to carry a handgun within the state capitol building and on the property of the state capitol complex.

SECTION 3. IC 4-2-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 9. Handguns

Sec. 1. As used in this chapter, "state officer" means an individual who holds one (1) of the following elected offices:

- (1) Attorney general.
- (2) Secretary of state.
- (3) State comptroller.
- (4) Treasurer of state.

Sec. 2. A state officer who is not prohibited from possessing a handgun under state or federal law has the right to carry a handgun within the state capitol building and on the property of the state capitol complex.

SECTION 4. IC 24-5-27.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2024]:

Chapter 27.5. Privacy of Firearms Financial Transactions

Sec. 1. (a) This chapter applies to a payment card transaction that is initiated after September 30, 2024, at a firearms retailer that is physically located in Indiana.

(b) This chapter does not apply to a payment card transaction that is initiated at a firearms retailer's physical location outside Indiana regardless of whether the:

- (1) purchaser in the payment card transaction is an Indiana consumer; or
- (2) firearms retailer has at least one (1) physical location in Indiana.

Sec. 2. As used in this chapter, "affiliate" means any person who directly or indirectly:

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

another person.

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

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



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

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

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

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

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

- (1) process, facilitate, or service a payment card transaction;
- (2) take any action related to:
 - (A) dispute processing;
 - (B) fraud management; or
 - (C) protecting the integrity of the transaction with respect to:
 - (i) illegal activity;
 - (ii) security breaches; or
 - (iii) cyber risks;

with respect to a payment card transaction; or

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

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

Sec. 7. (a) As used in this chapter, "financial services provider" means any of the following that is involved in facilitating or processing a payment card transaction, as appropriate in the context:

- (1) A financial institution.
- (2) A person engaged in money transmission in Indiana under IC 28-8-4.1.
- (3) A payment card issuer.
- (4) A payment card network.
- (5) A merchant acquirer.
- (b) The term includes an:



- (1) affiliate;
- (2) officer;
- (3) agent; or
- (4) employee;

of a person listed in subsection (a).

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

- (1) A firearm (as defined in IC 34-12-3-1).
- (2) Ammunition for use in a firearm.
- (3) Firearm components.
- (4) Firearm accessories.

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

Sec. 10. As used in this chapter, "firearms retailer" means any 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.

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

- (1) The state.
- (2) A state agency (as defined in IC 1-1-15-3).
- (3) A political subdivision (as defined in IC 36-1-2-13) or an instrumentality of a political subdivision (as defined in IC 36-1-2-13).

(b) The term includes an:

- (1) official;
- (2) agent; or
- (3) employee;

of an entity listed in subsection (a).

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

- (1) natural person whose principal residence is in Indiana; or
- (2) person, other than a natural person, that is domiciled in Indiana.

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

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

- (1) a credit card;



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

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

- (1) lender, including a financial institution; or
- (2) merchant;

that receives applications for and issues payment cards to consumers.

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

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

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

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

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

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

- (1) sale;
- (2) purchase;
- (3) return; or
- (4) refund;

that is made or processed with a payment card and that is retrieved, characterized, generated, labeled, sorted, or grouped based solely on the assignment of a firearms code.

Sec. 20. (a) Except as provided in subsection (b), or as otherwise required by law, a governmental entity or any other person, public or private, shall not knowingly or willfully keep or cause to be kept



any:

- (1) list, record, or registry of privately owned firearms; or
- (2) list, record, or registry of the owners of firearms;

with respect to Indiana consumers.

(b) Subsection (a) does not apply with respect to the following:

- (1) Records kept during the regular course of a criminal investigation or prosecution.
- (2) Records kept by the owner of privately owned firearms.
- (3) Records kept in the regular course of business by a firearms retailer.
- (4) Information submitted to a law enforcement agency in connection with an application for a license to carry a handgun under IC 35-47-2-3, subject to the limitations set forth in IC 35-47-2-3(n) and IC 35-47-2-3(o).

Sec. 21. In a payment card transaction, a merchant acquirer or payment card network may not:

- (1) assign; or
- (2) require the assignment of;

a firearms code in a way that distinguishes a firearms retailer with at least one (1) physical location in Indiana from general merchandise retailers or sporting goods retailers.

Sec. 22. (a) Except as provided in subsection (b), a financial services provider may not decline or otherwise refuse to process a lawful payment card transaction based solely on the assignment or nonassignment of a firearms code to the payment card transaction.

(b) A financial services provider may decline or otherwise refuse to process a lawful payment card transaction involving a firearms retailer on the basis of the assignment or nonassignment of a firearms code:

- (1) at the request of the consumer;
- (2) in accordance with:
 - (A) fraud controls; or
 - (B) merchant category exclusions offered by a financial services provider for the purpose of expenditure control or corporate card control;

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

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

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



- (1) is related to a payment card transaction; and
- (2) includes protected financial information, including a firearms code that was used, collected, or assigned in violation of this chapter.

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

- (1) limit the ability of a financial services provider to negotiate with responsible parties; or
- (2) otherwise impair a financial services provider's actions; related to dispute processing, fraud management, or protecting the integrity of the payment card transaction with respect to illegal activity, security breaches, or cyber risks.

Sec. 25. (a) Except as provided in subsection (b), the applicable primary financial regulator with jurisdiction over a financial services provider subject to this chapter is responsible for enforcing the financial services provider's compliance with this chapter.

(b) The attorney general is responsible for enforcing section 20 of this chapter with respect to any person that is not a financial services provider subject to regulation under subsection (a). Upon receiving notice of an alleged violation of section 20 of this chapter, the attorney general shall investigate the alleged violation in accordance with IC 4-6-3-3, subject to the confidentiality provisions set forth in IC 4-6-3-9. However, in any investigation under this subsection, the attorney general may not require any person to:

- (1) produce documentary material that includes;
- (2) answer under oath and in writing written interrogatories concerning; or
- (3) appear and testify under oath concerning;

protected financial information (as defined in section 19 of this chapter). If the attorney determines that a violation of section 20 of this chapter has occurred, the attorney general shall provide written notice to the person found to be in violation. Upon receiving written notice from the attorney general under this subsection, a person has thirty (30) calendar days from the date of receipt to cease the violation. If the person fails to cease the violation within the thirty (30) day period set forth in this subsection, the attorney general may seek, in a court having jurisdiction, injunctive relief, a civil penalty not to exceed ten thousand dollars (\$10,000) per violation, costs, expert fees, and reasonable attorney's fees.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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