

State of Wisconsin



2023 Senate Bill 466

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to amend* 165.60 and 175.35 (2k) (ar) 1.; and *to create* 175.31 and 224.60 of the statutes; **relating to:** prohibiting firearms merchant category codes in payment card transactions and prohibiting government lists of firearm owners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 165.60 of the statutes is amended to read:

165.60 Law enforcement. The department of justice shall enforce ss. 175.31 and 224.60. The department of justice is authorized to enforce ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), 945.04 (1m), and 948.081 and ch. 108 and, with respect to a false statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described under s. 175.60 (17) (c), to enforce s. 946.32, is authorized to assist the department of workforce development in the investigation and prosecution of suspected fraudulent activity related to worker's compensation as provided in s. 102.125, and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police officers of the power and duty to enforce those sections, and those officers shall likewise enforce those sections.

SECTION 2. 175.31 of the statutes is created to read:

175.31 Lists of owners of firearms. Except for purposes of criminal investigations or prosecutions or of determining compliance with court orders or injunctions,

no state agency, political subdivision, or special purpose district may intentionally create, store, or maintain a list of individuals who own firearms.

SECTION 3. 175.35 (2k) (ar) 1. of the statutes is amended to read:

175.35 (2k) (ar) 1. Deny access to any record kept under this section and ensure that, before records are destroyed under subd. 2., such records are not stored, maintained, or formatted into a list that identifies persons who have purchased a firearm. If an aggrieved party files a civil action regarding a record that was granted access in violation of this subdivision, it is not a defense that the record was disclosed to a federal government entity unless the disclosure was required by federal law or regulation or was made in compliance with a federal safe harbor provision.

SECTION 4. 224.60 of the statutes is created to read:

224.60 Prohibited merchant category codes in payment card transactions. (1) In this section:

(a) "Customer" means any resident of this state that seeks to obtain property or services through a payment card transaction.

(b) "Financial institution" has the meaning given in s. 214.01 (1) (jn).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(c) “Firearms code” means a merchant category code approved by the International Organization for Standardization specifically for firearms retailers.

(d) “Firearms retailer” means any person physically located in this state engaged in the lawful business of selling or trading firearms, firearm components, ammunition to be used in firearms, or firearm accessories.

(e) “Payment card” means a card issued to an authorized user to purchase or obtain goods, services, money, or another thing of value.

(f) “Payment card issuer” means an entity, including a financial institution, that is responsible for approving or declining a payment card transaction on behalf of a customer.

(g) “Payment card network” means an entity that directly or through a licensed party, processor, or agent provides the proprietary services, infrastructure, or software that routes information and data to conduct a payment card transaction, clearance, and settlement and that a merchant uses in order to accept as a form of payment a payment card that may be used to carry out the payment card transaction.

(h) “Payment card transaction” means a transaction in which a person uses a payment card issued or approved through a payment card network.

(2) A payment card network or its agent may not require the use of a firearms code in a way that distinguishes a firearms retailer from general merchandise retailers or sporting goods retailers.

(3) (a) Subject to par. (b), a payment card issuer or a payment card network or its agent may not decline or otherwise refuse to process a lawful payment card transaction at a firearms retailer based solely on the assignment or nonassignment of a firearms code.

(b) A payment card issuer or a payment card network or its agent may decline or otherwise refuse to process a

lawful payment card transaction on the basis of a firearms code if any of the following applies:

1. Doing so is necessary to comply with this section.
2. The customer has requested it to do so.

3. Doing so is necessary to comply with fraud, compliance, or risk management policies, programs, practices, and other controls conducted in the normal course of its business or with merchant category exclusions offered by it or with expenditure controls or corporate payment card controls.

(4) Nothing in this section limits the ability of a payment card network or its agent to negotiate with responsible parties, to comply with state or federal laws or regulations, or to take any action that restricts the use or availability of a firearms code in this state or otherwise impairs the payment card network’s or agent’s actions related to dispute processing, fraud, risk management, or protecting against concerns related to illegal activities, data breaches, or cyber risks.

(5) (a) The attorney general shall investigate alleged violations of this section and, upon finding a violation, shall provide written notice to any person, whether public or private, believed to be in violation of this section. Upon receipt of this written notice from the attorney general, the person shall, within 30 calendar days, cease the use of a firearms code for any merchant in this state.

(b) If a person is found to be in violation of this section after the expiration of 30 calendar days from the receipt of written notice from the attorney general, the attorney general shall pursue an injunction against the person, which a court may order in addition to any other relief the court may consider appropriate.

(c) The attorney general shall have exclusive authority to enforce this section.
