

Senate Engrossed

firearms transactions; merchant codes; prohibition

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1058

AN ACT

AMENDING SECTION 44-7851, ARIZONA REVISED STATUTES; AMENDING TITLE 44,
CHAPTER 36, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION
44-7853; RELATING TO FIREARM TRANSACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-7851, Arizona Revised Statutes, is amended to
3 read:

4 44-7851. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "AMMUNITION" INCLUDES:

7 (a) CARTRIDGE CASES.

8 (b) PRIMERS.

9 (c) BULLETS.

10 (d) PROPELLANT POWDER THAT IS DESIGNED FOR USE IN ANY FIREARM.

11 2. "ASSIGN" MEANS A COVERED ENTITY'S POLICY, PROCESS OR PRACTICE
12 THAT LABELS, LINKS OR OTHERWISE ASSOCIATES A MERCHANT CATEGORY CODE WITH A
13 MERCHANT OR A PAYMENT CARD TRANSACTION IN A MANNER THAT ALLOWS A COVERED
14 ENTITY OR ANY OTHER ENTITY THAT FACILITATES OR PROCESSES THE PAYMENT CARD
15 TRANSACTION TO IDENTIFY WHETHER A MERCHANT IS A FIREARM RETAILER OR
16 WHETHER A TRANSACTION INVOLVES THE SALE OF FIREARMS OR AMMUNITION.

17 3. "COVERED ENTITY" MEANS ANY ENTITY, OR AGENT OF THE COVERED
18 ENTITY, THAT ESTABLISHES A RELATIONSHIP WITH A RETAILER FOR THE PURPOSE OF
19 PROCESSING CREDIT CARD, DEBIT CARD OR PREPAID TRANSACTIONS.

20 ~~4.~~ 4. "Firearm" means any loaded or unloaded handgun, pistol,
21 revolver, rifle, shotgun or other weapon that will expel or that is
22 designed to or may readily be converted to expel a solid projectile by the
23 action of expanding gases.

24 5. "FIREARM RETAILER" MEANS ANY PERSON OR COVERED ENTITY THAT IS
25 BOTH OF THE FOLLOWING:

26 (a) PHYSICALLY LOCATED IN THIS STATE.

27 (b) ENGAGED IN THE LAWFUL SELLING OR TRADING OF FIREARMS, ANTIQUE
28 FIREARMS OR AMMUNITION.

29 6. "GOVERNMENT ENTITY" MEANS THIS STATE OR ANY POLITICAL
30 SUBDIVISION OF THIS STATE, INCLUDING ANY BOARD, GOVERNMENTAL BODY, AGENCY
31 OR INSTRUMENTALITY OF THIS STATE.

32 7. "MERCHANT CATEGORY CODE" MEANS A CODE THAT IS BOTH OF THE
33 FOLLOWING:

34 (a) APPROVED BY AN INTERNATIONAL ORGANIZATION FOR STANDARDIZATION
35 OR AN EQUIVALENT SUCCESSOR ORGANIZATION SPECIFICALLY FOR FIREARM
36 RETAILERS.

37 (b) ASSIGNED TO A RETAILER BASED ON THE TYPES OF GOOD AND SERVICES
38 THE RETAILER OFFERS TO A CUSTOMER.

39 8. "PAYMENT CARD" MEANS A CREDIT CARD, CHARGE CARD OR DEBIT CARD OR
40 ANY OTHER CARD THAT IS ISSUED TO A CUSTOMER AND THAT ALLOWS THE CUSTOMER
41 TO PURCHASE GOODS OR SERVICES FROM A MERCHANT.

42 9. "PAYMENT CARD NETWORK" MEANS ANY COVERED ENTITY, OR AGENT OF THE
43 COVERED ENTITY, THAT DOES BOTH OF THE FOLLOWING:

1 (a) PROVIDES THE PROPRIETARY SERVICES, INFRASTRUCTURE AND SOFTWARE
2 TO CONDUCT DEBIT CARD OR CREDIT CARD TRANSACTION AUTHORIZATIONS,
3 CLEARANCES AND SETTLEMENTS.

4 (b) ACCEPTS AS A FORM OF PAYMENT A BRAND OF DEBIT CARD, CREDIT CARD
5 OR OTHER DEVICE THAT MAY BE USED TO CARRY OUT DEBIT OR CREDIT
6 TRANSACTIONS.

7 10. "PAYMENT CARD TRANSACTION" MEANS ANY TRANSACTION IN WHICH A
8 PAYMENT CARD IS ACCEPTED AS PAYMENT.

9 11. "PERSON" MEANS A NATURAL PERSON.

10 ~~2.~~ 12. "Private party" means a person who is not a prohibited
11 possessor under state or federal law and does not include a person who
12 possesses a federal firearms license and who primarily engages in the
13 business of selling, trading or purchasing firearms.

14 ~~3.~~ 13. "Transfer" means when a person gives, loans, offers for
15 sale, wills or in any manner offers another person a firearm for any
16 lawful purpose and the person is not a prohibited possessor under state or
17 federal law.

18 Sec. 2. Title 44, chapter 36, article 1, Arizona Revised Statutes,
19 is amended by adding section 44-7853, to read:

20 44-7853. Firearm transactions; merchant category codes;
21 registry; exceptions; attorney general; county
22 attorney; civil penalty; injunction

23 A. EXCEPT FOR RECORDS KEPT DURING THE REGULAR COURSE OF A CRIMINAL
24 INVESTIGATION OR PROSECUTION OR AS OTHERWISE REQUIRED BY LAW, A GOVERNMENT
25 ENTITY MAY NOT KNOWINGLY KEEP OR CAUSE TO BE KEPT ANY LIST, RECORD OR
26 REGISTRY OF PRIVATELY OWNED FIREARMS OR THE OWNERS OF THE FIREARMS.

27 B. A PAYMENT CARD NETWORK MAY NOT REQUIRE OR INCENTIVIZE THE USE OF
28 A MERCHANT CATEGORY CODE IN A MANNER THAT DISTINGUISHES A FIREARM RETAILER
29 FROM OTHER RETAILERS.

30 C. A PERSON AND COVERED ENTITY MAY NOT ASSIGN A FIREARM RETAILER A
31 MERCHANT CATEGORY CODE THAT DISTINGUISHES A FIREARM RETAILER FROM OTHER
32 RETAILERS.

33 D. THE ATTORNEY GENERAL OR A COUNTY ATTORNEY SHALL INVESTIGATE A
34 REASONABLE ALLEGATION OF A VIOLATION OF THIS SECTION. IF THE ATTORNEY
35 GENERAL OR COUNTY ATTORNEY FINDS A VIOLATION, THE ATTORNEY GENERAL OR
36 COUNTY ATTORNEY SHALL PROVIDE WRITTEN NOTICE TO THE PERSON, COVERED ENTITY
37 OR GOVERNMENT ENTITY THAT VIOLATED THIS SECTION, AND THE PERSON, COVERED
38 ENTITY OR GOVERNMENT ENTITY SHALL CEASE THE CONDUCT THAT LED TO THE
39 VIOLATION WITHIN THIRTY BUSINESS DAYS AFTER RECEIVING NOTICE. IF A
40 PERSON, COVERED ENTITY OR GOVERNMENT ENTITY DOES NOT CEASE THE CONDUCT
41 THAT LED TO THE VIOLATION WITHIN THIRTY BUSINESS DAYS AFTER RECEIVING
42 WRITTEN NOTICE FROM THE ATTORNEY GENERAL OR COUNTY ATTORNEY, THE ATTORNEY
43 GENERAL OR COUNTY ATTORNEY SHALL FILE AN INJUNCTION AGAINST THAT PERSON,
44 COVERED ENTITY OR GOVERNMENT ENTITY. IF THE COURT FINDS THAT THE PERSON,
45 COVERED ENTITY OR GOVERNMENT ENTITY VIOLATED THIS SECTION AND HAS NOT

1 CEASED THE ACTIVITY THAT CONSTITUTES THE VIOLATION, THE COURT SHALL GRANT
2 THE INJUNCTION AND AWARD ATTORNEY FEES AND COSTS. IF A PERSON, COVERED
3 ENTITY OR GOVERNMENT ENTITY PURPOSELY FAILS TO COMPLY WITH THE COURT'S
4 INJUNCTION AFTER THIRTY DAYS OF BEING PROPERLY SERVED, THE ATTORNEY
5 GENERAL OR COUNTY ATTORNEY SHALL PETITION THE COURT TO SEEK A CIVIL
6 PENALTY OF NOT MORE THAN \$1,000 FOR EACH VIOLATION. THE COURT SHALL
7 CONSIDER FACTORS RESULTING FROM THE VIOLATION, INCLUDING THE FINANCIAL
8 RESOURCES OF THE VIOLATOR AND THE HARM OR RISK OF HARM TO THE PUBLIC, WHEN
9 ASSESSING THE CIVIL PENALTY. A COURT ORDER THAT IMPOSES A CIVIL PENALTY
10 PURSUANT TO THIS SUBSECTION SHALL BE STAYED PENDING ANY APPEAL OF THE
11 COURT'S ORDER.

12 E. THE ATTORNEY GENERAL OR COUNTY ATTORNEY HAS EXCLUSIVE AUTHORITY
13 TO ENFORCE THIS SECTION. THE REMEDIES SET FORTH IN SUBSECTION D OF THIS
14 SECTION ARE THE EXCLUSIVE REMEDIES FOR ANY VIOLATION OF THIS SECTION.

15 F. IT IS A DEFENSE TO ANY PROCEEDING THAT IS INITIATED PURSUANT TO
16 THIS SECTION THAT A MERCHANT CATEGORY CODE WAS REQUIRED BY LAW.

17 Sec. 3. Short title

18 This act may be cited as the "Second Amendment Financial Privacy
19 Act".