

ASSEMBLY, No. 5345

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 13, 2025

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

SYNOPSIS

Requires use of merchant category codes for purchases of firearms and ammunition.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning merchant category codes for purchases of
2 firearms and ammunition and supplementing Title 2C of the New
3 Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. (1) By July 1, 2026, a payment card network shall make
9 the merchant category code for firearms and ammunition businesses
10 established by the International Organization for Standardization on
11 September 9, 2022, available for merchant acquirers that provide
12 payment services for firearms merchants.

13 (2) Beginning May 1, 2027, a merchant acquirer shall assign to
14 a firearms merchant the merchant category code for firearms and
15 ammunition businesses established by the International
16 Organization for Standardization on September 9, 2022.

17 b. The Office of the Attorney General shall have sole and
18 exclusive authority to enforce a violation of this act. Nothing in
19 this act shall be construed as providing the basis for, or subject to, a
20 private right of action for violations of this act or under any other
21 law.

22 (1) A person that violates the provisions of this act and fails to
23 cure the violation in accordance with paragraph (3) of this
24 subsection shall be liable to the penalties enumerated in this
25 paragraph. The Attorney General may bring a civil action to
26 enforce the provisions of this section and remedy harm caused by a
27 violation.

28 If a court determines that a person has violated the provisions of
29 this act, the court shall award the following relief:

30 (a) civil penalty in the amount of \$10,000 for each violation;

31 (b) injunctive relief sufficient to prevent the person from further
32 violations; and

33 (c) reasonable attorney's fees and costs incurred in investigating
34 and bringing an action pursuant to this subsection.

35 (2) At least 30 days before bringing an action against a person
36 pursuant to paragraph (1) of this subsection, the Attorney General
37 shall give written notice to the person identifying the specific
38 provisions of this act that are or were being violated.

39 (3) The Attorney General shall not bring an action under
40 paragraph (1) of this subsection if the person that receives the
41 notice described in paragraph (2) of this subsection:

42 (a) cures the identified violation within 30 days of receiving the
43 notice; and

44 (b) provides the Attorney General a written statement
45 confirming that the person has:

46 (i) cured the violation;

47 (ii) provided supporting documentation to show how the
48 violation was cured; and

1 (iii) made changes to internal policies to prevent the recurrence
2 of violations in the future.

3 c. As used in this section:

4 “Ammunition” means the same as that term is defined in section
5 1 of P.L.2007, c.318 (C.2C:58-3.3).

6 “Firearm” means the same as that term is defined in N.J.S.2C:39-
7 1.

8 “Firearm accessory” means an attachment or device designed or
9 adapted to be inserted into, affixed onto, or used in conjunction
10 with a firearm that is designed, intended, or functions to alter or
11 enhance the firing capabilities of a firearm, the lethality of a
12 firearm, or a shooter’s ability to hold and use a firearm.

13 “Firearms merchant” means a business licensed in this State as a
14 retail firearms dealer for which the highest sales value is, or is
15 expected to be, from the combined sale in this State of firearms,
16 firearm accessories, or ammunition, as stated by the business to its
17 merchant acquirer in the ordinary course of business.

18 “Merchant acquirer” means an entity that establishes a
19 relationship with a merchant for the purposes of processing credit,
20 debit, or prepaid transactions.

21 “Payment card network” means an entity that provides services
22 that route transactions between bank participants to conduct debit,
23 credit, or prepaid transactions for the purpose of authorization,
24 clearance, or settlement.

25 “Person” means a firearms merchant, merchant acquirer, or
26 payment card network.

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28 2. This act shall take effect immediately.
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31 STATEMENT
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33 This bill requires payment card networks to make available for
34 merchant acquirers that provide payment services for firearms
35 merchants, and requires merchant acquirers to use, the merchant
36 category code for firearms and ammunition businesses established
37 by the International Organization for Standardization.

38 Pursuant to the bill, “firearms merchant” means a business
39 licensed in New Jersey as a retail firearms dealer for which the
40 highest sales value is, or is expected to be, from the combined sale
41 in New Jersey of firearms, firearm accessories, or ammunition, as
42 stated by the business to its merchant acquirer in the ordinary
43 course of business. The term “merchant acquirer” is defined to
44 mean an entity that establishes a relationship with a merchant for
45 the purposes of processing credit, debit, or prepaid transactions.

46 The bill authorizes the Attorney General to bring a civil action to
47 enforce the provisions of the bill against any person that violates the
48 provisions of the bill and who does not cure the violation. A person

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1 determined by a court to have violated the provisions of the bill is
2 subject to:

3 (a) civil penalty in the amount of \$10,000 for each violation;

4 (b) injunctive relief sufficient to prevent the person from further
5 violations; and

6 (c) reasonable attorney's fees and costs incurred in investigating
7 and bringing an action pursuant to the bill.