

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2212

By: West (Kevin)

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5  
6 AS INTRODUCED

7 An Act relating to unfair business practices;  
8 prohibiting banks and trust companies from engaging  
9 in certain discriminatory practices; permitting  
10 certain conduct for safety reasons; permitting  
11 certain practices after full disclosure and  
12 explanation; imposing civil penalties for violation;  
13 prohibiting credit unions from engaging in certain  
14 discriminatory practices; permitting certain conduct  
15 for safety reasons; permitting certain practices  
16 after full disclosure and explanation; imposing civil  
17 penalties for violation; prohibiting business  
18 entities from engaging in certain discriminatory  
19 practices; permitting certain conduct for safety  
20 reasons; permitting certain practices after full  
21 disclosure and explanation; imposing civil penalties  
22 for violation; requiring enforcement by the Attorney  
23 General; defining term; providing for codification;  
24 and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1801 of Title 6, unless there is  
created a duplication in numbering, reads as follows:

A. No bank or trust company doing business in this state,  
either directly or through the use of an outside contractor, shall

1 discriminate against, advocate for, or cause adverse treatment of  
2 any individual, business, or other customer based on subjective or  
3 arbitrary standards, including, but not limited to:

- 4 1. Social media posts;
- 5 2. Participation or membership in any club, association, or  
6 union;
- 7 3. Political affiliation;
- 8 4. Employer;
- 9 5. Social credit score;
- 10 6. Environmental, social and governance criteria; or
- 11 7. Other similar values-based or impact criteria.

12 B. Nothing in this section shall be construed to interfere with  
13 a bank's or trust company's ability to discontinue or refuse to  
14 conduct business with an individual account holder or potential  
15 customer when such action is necessary for the physical safety of  
16 such bank's or trust company's employees.

17 C. Notwithstanding the provisions of subsection A of this  
18 section, a bank or trust company may offer customers investments,  
19 products, or services that include subjective standards if such  
20 standards are fully disclosed and explained to any potential  
21 customer or investor prior to entering into a contract for such  
22 investment, product or service.

23 D. Any bank or trust company that violates the provisions of  
24 this section shall be subject to a civil penalty of Fifty Thousand

1 Dollars (\$50,000.00) for a first violation and a civil penalty of  
2 Two Hundred and Fifty Thousand Dollars (\$250,000.00) for a second or  
3 subsequent violation.

4 SECTION 2. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 2028 of Title 6, unless there is  
6 created a duplication in numbering, reads as follows:

7 A. No credit union doing business in this state shall  
8 discriminate against, advocate for, or cause adverse treatment of  
9 any individual, business, or other customer based on subjective or  
10 arbitrary standards, including, but not limited to:

- 11 1. Social media posts;
- 12 2. Participation or membership in any club, association, or  
13 union;
- 14 3. Political affiliation;
- 15 4. Employer;
- 16 5. Social credit score;
- 17 6. Environmental, social and governance criteria; or
- 18 7. Other similar values-based or impact criteria.

19 B. Nothing in this section shall be construed to interfere with  
20 a credit union's ability to discontinue or refuse to conduct  
21 business with an individual account holder or potential customer  
22 when such action is necessary for the physical safety of such credit  
23 union's employees.

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1 C. Notwithstanding the provisions of subsection A of this  
2 section, a credit union may offer customers investments, products,  
3 or services that include subjective standards if such standards are  
4 fully disclosed and explained to any potential customer or investor  
5 prior to entering into a contract for such investment, product, or  
6 service.

7 D. A credit union that violates the provisions of this section  
8 shall be subject to a civil penalty of Fifty Thousand Dollars  
9 (\$50,000.00) for a first violation and a civil penalty of Two  
10 Hundred and Fifty Thousand Dollars (\$250,000.00) for a second or  
11 subsequent violation.

12 SECTION 3. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2101 of Title 18, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. No business entity in this state shall discriminate against,  
16 advocate for, or cause adverse treatment of any individual,  
17 business, or other customer in such business entity's business  
18 practices based on subjective or arbitrary standards, including, but  
19 not limited to:

- 20 1. Social media posts;
- 21 2. Participation or membership in any club, association, or  
22 union;
- 23 3. Political affiliation;
- 24 4. Employer;

1 5. Social credit score;

2 6. Environmental, social and governance criteria; or

3 7. Other similar values-based or impact criteria.

4 B. Nothing in this section shall be construed to interfere with  
5 a person's or business entity's ability to discontinue or refuse to  
6 conduct business with a customer when such action is necessary for  
7 the physical safety of such person, such business entity, or such  
8 business entity's employees.

9 C. Notwithstanding the provisions of subsection A, a business  
10 entity may engage in a business practice described in subsection A  
11 of this section if the specific business practice is fully disclosed  
12 to the potential customer prior to such potential customer and such  
13 business entity entering into any business transaction.

14 D. A business entity that violates the provisions of this  
15 section shall be subject to a civil penalty of Fifty Thousand  
16 Dollars (\$50,000.00) for a first violation and a civil penalty of  
17 Two Hundred and Fifty Thousand Dollars (\$250,000.00) for a second or  
18 subsequent violation. The Attorney General shall enforce this  
19 section.

20 E. For purposes of this section, "business entity" means a sole  
21 proprietorship, corporation, limited liability company, association,  
22 partnership, joint-stock company, joint venture, mutual fund, trust,  
23 joint tenancy, or other similar form of business organization.

1       SECTION 4. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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