State of West Virginia
Office of the Attorney General

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Attorney General

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July 27, 2026

René Lacerte
CEO
BILL Holdings, Inc.
6220 America Center Drive, Suite 100
San Jose, CA 95002

Dear Mr. Lacerte:

It has recently come to our attention that your company, BILL, may have engaged in behavior that violates West Virginia's Firearms Industry Nondiscrimination (FIND) Act, W. Va. Code § 5A-14-1 *et seq*. This letter serves two purposes. *First*, it is an invitation to immediately stop violating West Virginia law and to take appropriate ameliorative action for any prior or ongoing violations. *Second*, this letter places you on notice of the consequences of continuing to engage in behavior of this sort. We hope the first purpose will render the second superfluous.

Your potential violation of the FIND Act stems from your refusal to provide payment processing services to Kent Cartridge Company, a West Virginia business whose factory in Kearneysville has produced premium, environmentally friendly ammunition for more than 30 years. According to your company's "Acceptable Use Policy," businesses that are engaged in the "manufacture, sale or production of arms … [including] guns [and] ammunition" cannot "use BILL payment services."[1] It is evident Bill acted upon this policy when it informed Kent Cartridge, via an email sent July 2, 2026, that "compliance and underwriting restrictions" prevent BILL from providing "credit card processing" service to "businesses in the firearms and ammunition space."[2]

A refusal of this sort—predicated solely and entirely on a business's manufacture or distribution, or other lawful commerce in, firearms—infringes West Virginia's FIND Act. Section 5A-14-5 makes clear that West Virginia law prohibits financial institutions from "discriminat[ing] against a firearm entity ... because th[at] firearm entity … supports or is engaged in the lawful commerce of firearms, firearm accessories, or ammunition products." W. Va. Code § 5A-14-5(a). The Act further permits either an injured private party *or* the Attorney General to "file a civil action" against a financial institution that has engaged in discriminatory behavior and authorizes

[1] Acceptable Use Policy, Bill.com (Aug. 30, 2024), *archived at* https://perma.cc/VB7W-EZEP.

[2] Email correspondence *archived at* https://perma.cc/Q4VS-3DAH.

courts to award appropriate relief. *Id*. at 5A-14-6. Appropriate relief can include compensatory damages, punitive damages, and injunctive or declaratory relief. *Id*. Prevailing private parties are also entitled to attorneys' fees. *Id*. at (a). Furthermore, the Attorney General is obliged to "submit the name of any financial institution that has violated this article to the Governor and request that the state terminate any business relationship with the financial institution in a commercially reasonable manner." *Id*. at (c).

It is likely that, for purposes of the FIND Act, BILL qualifies as a "financial institution" subject to West Virginia's nondiscrimination mandate. The Act defines "financial institution" to include the "operator of a credit card system." W. Va. Code § 5A-14-2(4)(D). BILL advertises providing a service—BILL Pay By Card—that allows businesses to "pay vendors with a credit card—even if [those] vendors don't typically accept cards."[3] The same program also allows participating businesses to "earn card rewards."[4] And the details of how BILL operates—such as its standing payment authorization and payment terms—illustrate that BILL "initiate[s] … electronic fund transfer[s]" on behalf of its clients.[5] BILL is "authorize[d] … to make payments and initiate debit or credit entries" for its clients and will "use commercially reasonable efforts to make and deliver … payment[s]."[6] BILL clients can "receive money, hold money, transfer money to pay Vendors" and otherwise "move money."[7] These are all strong indicators that, at least for purposes of the FIND Act, BILL qualifies as an "operator of a credit card system."[8]

It is also likely that BILL's refusal to serve Kent Cartridge falls within the FIND Act's sweep. The Act expressly provides that "discriminat[ion] against a firearm entity" includes the refusal to "provide or engage in services with [an] entity … based on its status as a firearm entity." W. Va. Code § 5A-14-2(3). Nothing in the correspondence we have reviewed suggests that BILL declined to serve Kent Cartridge for a legitimate business reason, such as financial insolvency or involvement in criminal activity. On the contrary, BILL frankly admitted that it was Kent Cartridge's position in the "firearms and ammunition space" that was the reason for the refusal.[9] In other words, it was the nature of the "lawful products and services provided" by Kent Cartridge that was the deciding factor. W. Va. Code § 5A-14-2(3)(A).

Discrimination of this sort is not countenanced by West Virginia law—that is the manifest purpose of the FIND Act. BILL advertises that it is trusted by millions of entities "across the BILL Network";[10] if even one of them is a West Virginia state government agency or political

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[3] BILL Pay By Card, Bill.com, *archived at* https://perma.cc/P8GV-XA6Q.

[4] *Ibid*.

[5] *See, e.g.,* Standing Authorization Pay, Bill.com, *archived at* https://perma.cc/G37Q-P4JX.

[6] Payment Terms, Bill.com (June 6, 2023), *archived at* https://perma.cc/L29Q-DLSW.

[7] *Ibid*.

[8] Furthermore, it is obvious that, at a minimum, BILL is partnering with entities that qualify as "financial institutions" under the FIND Act. To the extent BILL's discriminatory behavior flowed from or was dictated by the policies of one of its partners, *that partner* is likely violating the FIND Act as well.

[9] *See* n.2, *supra*.

[10] *See* Bill.com Homepage *archived at* https://perma.cc/7J3G-BVHY.

subdivision, BILL's blatant discrimination against Kent Cartridge is legally actionable. W. Va. Code § 5A-14-5(a). Our Office has contacted the West Virginia State Auditor and State Treasurer to determine if any qualifying contracts with BILL are in force; if so, this Office is prepared, absent corrective action, to initiate legal proceedings. And even if BILL currently has no West Virginia government clients, its discriminatory treatment of Kent Cartridge—unless and until remedied—forecloses any *future* business relationship between BILL and the State or its political subdivisions. *Id*.

That discrimination also jeopardizes BILL's ability to enter into business relationships in, and may expose BILL to liability under the laws of, the twelve other States that have (to date) enacted statutes prohibiting discrimination of this sort.[11] Several other States have recently considered or are currently considering enactment of a FIND Act or similar legislation.[12] And at least two bills that would enact a federal version quite similar to West Virginia's law have recently been proposed in Congress.[13]

Finally, it is important to note that the remedies provided by the FIND Act are not exclusive. We are thoroughly investigating this situation (and those like it) and will not hesitate to pursue other potential causes of action (e.g., violations of the West Virginia Consumer Credit and Protection Act and/or West Virginia's Antitrust Act) that may be uncovered during our investigation. Coordinated action or deceptive trade practices intended to hinder West Virginians' ability to exercise their right to bear arms will not be tolerated by this Office.

Of course, it would not be difficult for BILL to reduce its potential legal exposure; the need to pursue proactive legal remedies against an entity is reduced once that entity has ceased engaging in discriminatory behavior. Indeed, the correspondence we have reviewed suggests that BILL may have begun taking steps to change its Acceptable Use Policy and otherwise implement changes that would end discrimination against businesses in the "firearms and ammunition space." We hope that is so and would welcome confirmation that BILL has stopped discriminating against businesses engaged in the lawful manufacture of and commerce in firearms and ended its partnerships with any institutions that continue to engage in such discrimination.

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The bottom-line takeaway here should be crystal clear. West Virginians cherish the right to bear arms. And their elected representatives have enshrined into law protection against

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[11] *See* Ala. Code § 41-16-160 *et seq.*; Ark. Code Ann. § 25-1-1102; Fla. Stat. §§ 560.1115(2)(d)(4), 655.0323(2)(d)(4); O.C.G.A. § 10-1-439 *et seq.*; Idaho Code Ann. § 67-2347A(1)(b); La. R.S. §§ 38:2216.1, 39:1602.2; Mont. Code Ann. § 30-20-301; 21 O.S. § 1289.31; Tenn. Code Ann. § 45-1-128(c)(4)(D); Tex. Gov't Code Ann. § 2274.001 *et seq.*; Utah Code §§ 13-66-101, 201; Wyo. Stat. Ann. § 13-10-301 *et seq*.

[12] *See*, *e.g.*, SCR 1007, 2nd Reg. Sess. (Ariz. 2024); S.B. 2741, Reg. Sess. (Miss. 2026); L.B. 687, 109th Leg., 1st Sess. (Neb. 2025); H.B. 359, Reg. Sess. (N.H. 2025); H.R. 919, Reg. Sess. (N.C. 2025); H. 4466, Reg. Sess. (S.C. 2025); H.D. 2073, Reg. Sess. (Va. 2025).

[13] *See* Firearm Industry Non-Discrimination Act, H.R. 45, 119th Congress (2025); Firearm Industry Non-Discrimination Act, S. 137, 119th Congress (2025).

discrimination aimed at firearms manufacturers, distributors, and retailers by banks and other financial institutions. Accordingly, this Office will zealously investigate—and, when warranted, pursue legal action—to effectuate that protection and vindicate the policy choice West Virginians have made. That choice reflects an obvious desire that their fundamental right to bear arms not be unduly burdened or inhibited.

We hope legal action is not necessary here; and, if the changes mentioned above are being implemented, it may not be. If BILL has amended or is in the process of amending its Acceptable Use Policy, stopped partnering with financial institutions engaged in discriminatory behavior, and made things right with Kent Cartridge, no further action will be forthcoming. That said, if BILL—or its partners—continue to discriminate against West Virginia firearms manufacturers, we will pursue all appropriate action authorized by law.

Sincerely,

John B. McCuskey
Attorney General

Zachary A. Viglianco
Director of Strategic Litigation

cc: Mike Dunn, General Counsel