

WHAT COMPANIES NEED TO KNOW ABOUT OHIO'S NEW GUN LAW

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Ohio's new gun law will take effect on June 13, permitting all qualified adults to carry concealed, non-restricted firearms without a license. The new law also expands the rights of concealed firearm holders when notifying law enforcement of the presence of a concealed handgun. But what does the new law mean for Ohio companies? There may be some misconceptions among your employees about the implications of this sweeping new legislation – this Insight will cut through the confusion and offer a plan for addressing the changes.

What Does the Law Say?

Ohio Senate Bill 215 will permit "constitutional carry" in Ohio for "qualified adults." Under Senate Bill 215, a "qualified adult" means a person who is 21 years of age or older who is not legally prohibited from possessing or receiving a firearm under federal or state law and who satisfies all of the criteria listed in Section 2923.125 (D)(1)(a) to (j), (m), (p), (q), and (s) of the Ohio Revised Code. The firearm must also not be a dangerous ordnance or otherwise restricted under Ohio law.

This legislation changes two basic tenets of Ohio's concealed firearms law.

- First, a qualified adult will no longer be required to obtain a concealed handgun license to carry a concealed handgun in the state. Under Ohio's current law, a person is required to complete minimum educational requirements that include eight hours of training with a minimum of two hours of in-person range time and live-fire training. Ohio's new law effectively gives the right of a qualifying adult to carry a concealed handgun in the same manner as if the person was a licensee and does not require training.

- Second, a qualified adult who is stopped for a law enforcement purpose and is carrying a concealed handgun does not need to promptly notify law enforcement of the presence of the firearm, although the individual must disclose that information if asked.

What About Ohio's Parking Lot Rule?

Senate Bill 215 does not address Ohio's "parking lot rule." As discussed in our previous Insight, the last change in Ohio's concealed firearms law gave an individual with a valid concealed license the right to bring a licensed firearm inside that person's privately owned motor vehicle into an employer's parking lot, provided the following conditions are met:

- when the license holder is absent from the privately owned motor vehicle, the firearm and ammunition must be locked in the trunk, glove box, or other enclosed compartment of the vehicle;
- when the license holder is present in the privately owned motor vehicle, the firearm and ammunition must remain in the vehicle; and
- the license holder's privately owned motor vehicle must be parked in a permitted location.

While Ohio's new law does not address the parking lot rule, it does explicitly provide that "regardless of whether the person has been issued a concealed handgun license...a person who is a qualifying adult may carry a concealed handgun that is not a restricted firearm anywhere in this state in which a person who has been issued a concealed handgun license may carry a concealed handgun."

What Should Ohio Companies Do Now?

For private employers, little is changing. Specifically, Senate Bill 215 states that "nothing ... shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer."

Thus, consistent with our prior Insight on the last change in Ohio's concealed firearms law, you are still permitted to prohibit your employees – as well as customers and other third parties – from carrying weapons into company-owned buildings or company-owned vehicles. You should make sure your policies clearly state your position on this issue to remove any confusion.

Further, private employers still remain immune from civil liability for any injury, death, or loss to person or property that is allegedly caused by or related to their decision to permit or prohibit handguns on their premises.

However, given the way the new law coexists with the parking lot law, your policies may now not ban a person from transporting or storing a firearm or ammunition inside their privately owned motor vehicle under the conditions outlined above, regardless of whether that person has been issued a concealed handgun license or not. Therefore, you may need to revise your policies accordingly.

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- Supporting small businesses
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