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What Ohio's New Firearm Law Means for Employers

Ohio's new firearm law, Ohio Senate Bill 215, went into effect on June 13, 2022, permitting all qualifying adults to legally carry, possess, or conceal a handgun that is not a restricted firearm without a license, background check, or training.

- "Qualifying adult" means a person who is 21 years of age or older, who is not otherwise prohibited from possessing or receiving a firearm under federal or state law, and has satisfied certain criteria listed under specific sections of Section 2923.125 of the Ohio Revised Code.
- "Restricted firearm" means a firearm that is dangerous ordnance or otherwise prohibited under Ohio law.

Prior to the enactment of this law to possess a concealed handgun in Ohio, residents had to submit an application, pay a fee, pass a background check, and meet the minimum education requirements, which included eight hours of training and a written test. This new law removes those requirements for qualifying adults.

The new firearm law still allows private employers to establish and enforce policies prohibiting individuals from carrying firearms in company buildings and in company-owned vehicles. However, the law does not directly address Section 2923.1210 of the Ohio Revised Code, which prohibits employers from making rules that prevent individuals with concealed handgun licenses from keeping firearms in their privately owned vehicles on company property when certain conditions are met. Those conditions are:

- The firearm and ammunition must be locked in the trunk, glove box, or other enclosed compartment or container in or on the privately owned motor vehicle when the license holder is not in the vehicle;
- The firearm and ammunition must remain in the privately owned motor vehicle when the license holder is in the vehicle; and
- The privately owned motor vehicle is in a location where it is otherwise permitted to be.

Although the new law does not explicitly address Section 2923.1210, it does provide that:

"For purposes of any provision of section 1547.69, 2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any other section of the Revised Code, that refers to a concealed handgun license or a concealed handgun licensee, except when the context clearly indicates otherwise, all of the following apply: (a) A person who is a qualifying adult and is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm shall be deemed to have been issued a valid concealed handgun license."

Accordingly, to ensure compliance, employers should interpret Section 2923.1210 to mean that they cannot prevent a qualified individual from transporting or storing a firearm or ammunition inside their privately owned motor vehicle when the three conditions above are met, regardless of whether that person has been issued a concealed handgun license or not.

Further, private employers are still immune from civil liability for injury, death, or loss to person or property allegedly caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

Employers should review and revise their policies to ensure they are compliant with the new law.

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