

NEW HAMPSHIRE “GUNS AT WORK” LAW TAKES EFFECT JANUARY 1: WHAT EMPLOYERS NEED TO KNOW + YOUR 5-STEP ACTION PLAN

Insights
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Many New Hampshire employers will soon be required to allow employees to keep loaded guns in their cars parked at work, and *all* employers in the state will soon need to comply with new employee privacy protections regarding firearms stored in their personal vehicles. Governor Chris Sununu signed a “guns at work” bill into law earlier this year that further expands the broad gun rights in the permitless carry state, once again sharpening the contrast with the strict gun safety measures enforced in other New England states. Covered employers must act now to ensure that their workplace safety policies and practices comply before the new law takes effect on January 1. We’ll explain everything you need to know and give you a five-step action plan.

The New Requirements and Who Must Comply

The New Hampshire bill enacted in July ([HB 1336](#)) added a new section ([RSA 159:27](#)) to the “Pistols and Revolvers” chapter of the state’s Public Safety and Welfare law. Starting January 1, the new “guns at work” law will not only block many employers from enforcing policies that are inconsistent with the new rules but also require all employers to comply with new employee privacy protections regarding firearms stored in their vehicles at work.

Employee Right to Store Firearms or Ammunition in Their Vehicle (Certain Employers)

Certain employers will be prohibited from:

Related People



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- **restricting employees from storing legally owned firearms or ammunition in their vehicles** while in transit or parked on the employer's property, so long as the vehicle is locked and the firearm or ammunition is not visible; or
- **taking any adverse action against any employee** who stores a firearm or ammunition in accordance with the new state law.

These requirements will apply to:

- **any employer (whether public or private) that receives public funds** from the federal or state government, regardless of the funding's form, amount, or level; and
- **the state or any municipality as an employer** when the state or municipal employee's vehicle is on property owned or leased by the state or municipality.

Employee Right to Privacy Regarding Firearms in Vehicles (All New Hampshire Employers)

All New Hampshire employers will be prohibited from:

- **requiring an employee to disclose** whether they are storing a firearm or ammunition in their vehicle; or
- **searching the employee's vehicle for a firearm or ammunition** (except for lawful searches undertaken by law enforcement officers).

What's Not Changing?

Despite the new law, private employers will still have the ability to set some rules regarding weapons at work, including:

- **banning firearms anywhere else on employer property** (anywhere except for firearms properly stored in an employee's personal vehicle parked at work); and
- **prohibiting employees from carrying or storing firearms in employer-owned vehicles.**

Also note that the new law does not authorize an employee to carry a firearm in any place where carrying a firearm is prohibited by law – though New Hampshire's state law has few location restrictions.

What About Employer Liability?

You might feel uneasy about your employees bringing loaded guns onto your property or about firearm theft in your parking areas. While the new law shields employers from civil liability, you must keep in mind your obligations under other laws regarding workplace safety.

- **Employer Immunity from Civil Actions.** Employers will not be held liable in “any civil action for any damages for any economic loss, injury, or death resulting from or arising out of another person’s actions involving a firearm or ammunition stored pursuant to [NH RSA 159:27].” This includes theft of a firearm from an employee’s vehicle, but immunity is never available if the employer intentionally solicited or procured the other person’s injurious actions.
- **Employer Workplace Safety Obligations.** Immunity from civil liability does not guarantee that you will be free from any legal repercussions, especially in the workplace safety. For example, the federal Occupational Safety and Health (OSH) Act’s general duty clause has been interpreted to [require employers to protect employees from incidents of workplace violence](#) – so you may need to implement certain workplace violence prevention measures, depending on the specific circumstances at your worksite. This is especially true if members of your workforce are at higher risk of becoming victims of workplace violence. [According to federal safety officials](#), this includes “workers who exchange money with the public, delivery drivers, healthcare professionals, public service workers, customer service agents, law enforcement personnel, and those who work alone or in small groups.” The Occupational Safety and Health Administration (OSHA) is targeting healthcare employers in particular with a [proposed workplace violence prevention rule](#) that could take effect in 2025.

5 Steps You Should Consider Taking Now

In order to prepare for the new law to take effect in January, you should consider taking the following steps now:

1. **Review and update your workplace policies** to ensure that they comply with the new requirements.
2. **Work with counsel** to determine whether you are a “covered employer” and, if so, fine-tune your policies and practices to balance your obligations under the new state law with your rights as an employer and your obligations

under other laws (such as the OSH Act) – especially if your workers are at higher risk of experiencing workplace violence.

3. Train your managers and supervisors regarding any policy changes and on the types of conduct that could violate the new employee privacy protections.

4. Be clear with employees regarding what's changing versus which safety rules are staying in place. Tell them the conditions they must meet in order to keep firearms in their cars at work – including keeping firearms out of sight and locking their vehicles (but note that the new law does not allow covered employers to require employees to lock firearms in any compartment or container within the vehicle).

5. Set clear procedures for employees to report any threats of violence in the workplace and take appropriate action if you think an employee may be a threat to themselves or others.

Conclusion

We will continue to monitor further developments and provide updates on the new “guns at work” law and other workplace law issues affecting New Hampshire employers, so make sure you are subscribed to [Fisher Phillips' Insights](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the author of this Insight, or any member of our [Workplace Safety and Catastrophe Management Practice Group](#).