

HOW DOES OHIO'S NEW GUN LAW AFFECT YOU?

Insights

Mar 14, 2017

On March 21, 2017, a new gun law goes into effect in Ohio that will expand the rights of concealed carry permit holders, allow active duty members of the armed forces to carry weapons without a concealed carry license under certain conditions, and broaden the scope of places where concealed carry license holders may carry guns. But what does the new law mean for Ohio's workplaces?

NEW LAW MAY REQUIRE REVISION TO YOUR POLICIES

Important to Ohio employers, this new law gives individuals with valid concealed handgun licenses the right to bring their licensed firearms into your parking lot, which is a practice currently prohibited in many employers' weapons policies. Specifically, under the new law, your policies may no longer ban a person with a valid concealed handgun license from transporting or storing a firearm or ammunition inside the person's *privately-owned* motor vehicle, provided the following conditions are met:

- when the license holder is absent from the 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 vehicle, the firearm and ammunition must remain in the vehicle; and
- the license holder's vehicle must be parked in a permitted location.

O.R.C. §2923.1210

Related People



Melissa A. Dials

Partner

440.740.2108



Melanie L. Webber

Partner

440.838.8800

It is important to know that state law provides immunity for Ohio employers that choose to allow, or prohibit, handguns on the premises. Under the terms of state statute:

Service Focus

Counseling and Advice

A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was 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.

O.R.C. §2923.126(C)(2)

WHAT SHOULD OHIO EMPLOYERS DO NOW?

As a result, you need to review and update your policies to conform with the new state law. Starting March 21, 2017, your "weapons-in-the-workplace" policy must allow individuals with valid Ohio concealed carry licenses to bring their weapons in their privately-owned vehicles, so long as they comply with the provisions of the new law as outlined above (i.e., gun and ammunition locked in their trunk, glove compartment, or other compartment when they are not in their vehicle; park in permitted locations; and gun must remain locked in the car if your policy prohibits weapons in company buildings or other vehicles).

However, 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.

For more information, contact the author at MDials@fisherphillips.com, your regular Fisher Phillips attorney, or one of the attorneys in our Ohio offices:

Cleveland: 440.838.8800

Columbus: 614.221.1425

This Legal Alert provides information about a specific new state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.