

What Employers Need to Know about Ohio's Permitless-Carry Law

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Ohio Senate Bill 215, effective June 13, 2022, significantly expands the number of Ohioans who may legally carry a firearm throughout the state. Under the law, all “qualifying adults” in the state of Ohio will be permitted to carry a concealed, non-restricted firearm without a license. Although the impact of this new gun law on employers will be minimal, it is important that businesses are aware of how the new law could affect their ability to restrict firearms on their property and update their policies and signage accordingly.

What is Changing under the New Law

The new law provides that “qualifying adults” will no longer be required to obtain a concealed carry handgun license to carry an unrestricted firearm in the state. An adult is “qualifying” if they are 21 years or older, not legally prohibited from possessing a firearm, and not a fugitive or felon. Those legally carrying without a license may carry anywhere that someone with a license may carry and now possess the same rights and responsibilities of a licensed firearm carrier. Practically speaking, qualifying adults carrying a non-restricted firearm will be treated as though they have a valid handgun license even if they do not have a license.

The law also provides that lawful firearm carriers will no longer be required to promptly inform law enforcement officers that they are carrying a firearm during an official stop. Rather, firearm holders must only disclose that they are carrying a concealed weapon when the officer directly asks.

Impact on Employers

Despite the significant expansion of gun rights in SB 215, employers still retain broad control over the presence of firearms in the workplace. Notably, the new legislation did not change existing Ohio laws permitting private employers to maintain rules, policies, and practices prohibiting the presence of firearms on their premises or property, including motor vehicles owned by the employer. Additionally, private employers are not legally required to adopt a rule or policy concerning or prohibiting firearms on the premises or property. Private businesses may maintain their own policies restricting both licensed and unlicensed firearm carriers, including their own employees, from bringing guns onto their property even after the new law takes effect. Employers should ensure their policies clearly specify their position on firearms on their property and they should take steps to inform their employees and customers of these policies.

Employers should be aware of an exception to their ability to restrict firearms on their property. Since 2017, Ohio law has prohibited public and private employers from maintaining a rule that bans a person with a valid handgun license from keeping a firearm in their personal vehicle. For this exception to apply, the weapon must be locked in a separate compartment and the vehicle must be parked in a permissible location or the person must remain in the vehicle with the weapon. Because this provision was untouched by SB 215, it is likely that the law will now extend to qualifying adults as defined by the legislation. In other words, employees and other visitors who are qualifying adults are now legally permitted to keep a firearm locked in their personal vehicles even if the employer otherwise prohibits weapons on the property or in the workplace. Despite these changes, employers still retain immunity to civil liability for injury, death, or loss to person or property allegedly caused by an employee or customer bringing a handgun onto their premises, regardless of whether the employer permitted the firearms on their property.

Employers should carefully consider and review their policies on weapons in the workplace and determine whether any references to concealed carry licenses should be deleted to comply with the law. Employers should also review signage posted on their property to make sure it does not restrict qualifying adults from legally possessing weapons in their personal vehicles.

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