

H.B. 178  
As Introduced

**Topic:** State preemption; concealed carry not prohibited by law; posting signs

\_\_\_\_\_ moved to amend as follows:

- In line 1 of the title, after "sections" insert "9.68," 1
- In line 12 of the title, after "law," insert "expanding state 2  
preemption of firearms regulation to include all deadly weapons," 3
- In line 17 of the title, delete "federal" 4
- In line 20 of the title, after "licensee" insert ", and to 5  
amend the version of section 9.68 of the Revised Code that is 6  
scheduled to take effect on December 28, 2019, to continue the 7  
provisions of this act on and after that effective date" 8
- In line 21, after "sections" insert "9.68," 9
- After line 26, insert: 10
- "**Sec. 9.68.** (A) The individual right to keep and bear arms, 11  
being a fundamental individual right that predates the United 12  
States Constitution and Ohio Constitution, and being a 13  
constitutionally protected right in every part of Ohio, the 14  
general assembly finds the need to provide uniform laws throughout 15  
the state regulating the ownership, possession, purchase, other 16  
acquisition, transport, storage, carrying, sale, or other transfer 17  
of deadly weapons, including firearms, and their components, 18

accessories, attachments, and ~~their~~ ammunition. Except as 19  
 specifically provided by the United States Constitution, Ohio 20  
 Constitution, state law, or federal law, a person, without further 21  
 license, permission, restriction, delay, or process, may own, 22  
 possess, purchase, sell, transfer, transport, store, or keep any 23  
deadly weapon, including any firearm, part of a firearm, and its 24  
 components, accessories, attachments, and ~~its~~ ammunition. 25

(B) In addition to any other relief provided, the court shall 26  
 award costs and reasonable attorney fees to any person, group, or 27  
 entity that prevails in a challenge to an ordinance, rule, or 28  
 regulation as being in conflict with this section. 29

(C) As used in this section: 30

(1) The possession, transporting, or carrying of deadly 31  
weapons, including firearms, their components, or their 32  
 ammunition, include, but are not limited to, the possession, 33  
 transporting, or carrying, openly or concealed on a person's 34  
 person or concealed ready at hand, of deadly weapons, including 35  
 firearms, their components, or their ammunition. 36

(2) "Firearm" ~~has~~ and "deadly weapon" have the same ~~meaning~~ 37  
meanings as in section 2923.11 of the Revised Code. 38

(D) This section does not apply to either of the following: 39

(1) A zoning ordinance that regulates or prohibits the 40  
 commercial sale of deadly weapons, including firearms, firearm 41  
 components, or ammunition for firearms, in areas zoned for 42  
 residential or agricultural uses; 43

(2) A zoning ordinance that specifies the hours of operation 44  
 or the geographic areas where the commercial sale of deadly 45  
weapons, including firearms, firearm components, or ammunition for 46  
 firearms, may occur, provided that the zoning ordinance is 47

consistent with zoning ordinances for other retail establishments 48  
 in the same geographic area and does not result in a de facto 49  
 prohibition of the commercial sale of deadly weapons, including 50  
 firearms, firearm components, or ammunition for firearms, in areas 51  
 zoned for commercial, retail, or industrial uses." 52

In line 932, delete "18" 53

In line 933, delete "U.S.C. 922(g)(1) to (9)" and insert "any 54  
law of this state or the United States" 55

In line 943, delete "18 U.S.C. 922(g)(1) to (9)" and insert 56  
"any law of this state or the United States" 57

In line 979, delete "specified in 18" 58

Delete line 980 59

In line 981, delete "under the applicable provision" 60

In line 982, after "firearm" insert "under any law of this 61  
state or the United States" 62

In line 3163, strike through "Each" and insert "(A) Except as 63  
provided in division (B) of this section, each" 64

After line 3174, insert: 65

"(B) If a person, board, or entity that owns or controls any 66  
place or premises identified in division (B)(6) or (7) of section 67  
2923.126 of the Revised Code as a place that may permit the 68  
licensee to carry a concealed deadly weapon, or a designee of such 69  
a person, board, or entity, does not post a sign as provided in 70  
division (A) of this section, it shall be presumed that the 71  
person, board, or entity that owns or controls the place or 72  
premises permits the licensee to carry a concealed deadly weapon 73  
on the premises." 74

In line 4104, after "sections" insert "9.68," 75

After line 4109, insert: 76

"**Section 3.** That the version of section 9.68 of the Revised 77  
Code that is scheduled to take effect on December 28, 2019, be 78  
amended to read as follows: 79

**Sec. 9.68.** (A) The individual right to keep and bear arms, 80  
being a fundamental individual right that predates the United 81  
States Constitution and Ohio Constitution, and being a 82  
constitutionally protected right in every part of Ohio, the 83  
general assembly finds the need to provide uniform laws throughout 84  
the state regulating the ownership, possession, purchase, other 85  
acquisition, transport, storage, carrying, sale, other transfer, 86  
manufacture, taxation, keeping, and reporting of loss or theft of 87  
deadly weapons, including firearms, and their components, 88  
accessories, attachments, and ~~their~~ ammunition. The general 89  
assembly also finds and declares that it is proper for law-abiding 90  
people to protect themselves, their families, and others from 91  
intruders and attackers without fear of prosecution or civil 92  
action for acting in defense of themselves or others. Except as 93  
specifically provided by the United States Constitution, Ohio 94  
Constitution, state law, or federal law, a person, without further 95  
license, permission, restriction, delay, or process, including by 96  
any ordinance, rule, regulation, resolution, practice, or other 97  
action or any threat of citation, prosecution, or other legal 98  
process, may own, possess, purchase, acquire, transport, store, 99  
carry, sell, transfer, manufacture, or keep any deadly weapon, 100  
including any firearm, part of a firearm, and its components, 101  
accessories, attachments, and ~~its~~ ammunition. Any such further 102  
license, permission, restriction, delay, or process interferes 103  
with the fundamental individual right described in this division 104  
and unduly inhibits law-abiding people from protecting themselves, 105  
their families, and others from intruders and attackers and from 106

other legitimate uses of constitutionally protected deadly 107  
weapons, including firearms, ~~including~~ such as hunting and 108  
sporting activities, ~~and the~~ . The state by this section preempts, 109  
supersedes, and declares null and void any such further license, 110  
permission, restriction, delay, or process. 111

(B) A person, group, or entity adversely affected by any 112  
manner of ordinance, rule, regulation, resolution, practice, or 113  
other action enacted or enforced by a political subdivision in 114  
conflict with division (A) of this section may bring a civil 115  
action against the political subdivision seeking damages from the 116  
political subdivision, declaratory relief, injunctive relief, or a 117  
combination of those remedies. Any damages awarded shall be 118  
awarded against, and paid by, the political subdivision. In 119  
addition to any actual damages awarded against the political 120  
subdivision and other relief provided with respect to such an 121  
action, the court shall award reasonable expenses to any person, 122  
group, or entity that brings the action, to be paid by the 123  
political subdivision, if either of the following applies: 124

(1) The person, group, or entity prevails in a challenge to 125  
the ordinance, rule, regulation, resolution, practice, or action 126  
as being in conflict with division (A) of this section. 127

(2) The ordinance, rule, regulation, resolution, practice, or 128  
action or the manner of its enforcement is repealed or rescinded 129  
after the civil action was filed but prior to a final court 130  
determination of the action. 131

(C) As used in this section: 132

(1) The possession, transporting, or carrying of deadly 133  
weapons, including firearms, their components, or their 134  
ammunition, include, but are not limited to, the possession, 135  
transporting, or carrying, openly or concealed on a person's 136

person or concealed ready at hand, of deadly weapons, including 137  
firearms, their components, or their ammunition. 138

(2) "Firearm" ~~has~~ and "deadly weapon" have the same meaning 139  
as in section 2923.11 of the Revised Code. 140

(3) "Reasonable expenses" include, but are not limited to, 141  
reasonable attorney's fees, court costs, expert witness fees, and 142  
compensation for loss of income. 143

(D) This section does not apply to either of the following: 144

(1) A zoning ordinance that regulates or prohibits the 145  
commercial sale of deadly weapons, including firearms, firearm 146  
components, or ammunition for firearms, in areas zoned for 147  
residential or agricultural uses; 148

(2) A zoning ordinance that specifies the hours of operation 149  
or the geographic areas where the commercial sale of deadly 150  
weapons, including firearms, firearm components, or ammunition for 151  
firearms, may occur, provided that the zoning ordinance is 152  
consistent with zoning ordinances for other retail establishments 153  
in the same geographic area and does not result in a de facto 154  
prohibition of the commercial sale of deadly weapons, including 155  
firearms, firearm components, or ammunition for firearms, in areas 156  
zoned for commercial, retail, or industrial uses. 157

**Section 4.** That the version of existing section 9.68 of the 158  
Revised Code that is scheduled to take effect on December 28, 159  
2019, is hereby repealed. 160

**Section 5.** Sections 3 and 4 of this act take effect on 161  
December 28, 2019. 162

**Section 6.** The General Assembly, applying the principle 163  
stated in division (B) of section 1.52 of the Revised Code that 164  
amendments are to be harmonized if reasonably capable of 165

simultaneous operation, finds that the following sections, 166  
 presented in this act as composites of the sections as amended by 167  
 the acts indicated, are the resulting versions of the sections in 168  
 effect prior to the effective date of the sections as presented in 169  
 this act: 170

Section 2923.126 of the Revised Code as amended by both Am. 171  
 Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd General Assembly. 172

Section 2923.1213 of the Revised Code as amended by both Am. 173  
 Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly. 174

Section 2953.37 of the Revised Code as amended by both Am. 175  
 Sub. H.B. 228 and Sub. H.B. 425 of the 132nd General Assembly." 176

Delete lines 4110 through 4126 177

The motion was \_\_\_\_\_ agreed to.