

AN ACT

To amend sections 2923.126 and 3727.18; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3727.18 (3727.182); and to enact new section 3727.18 and sections 109.7411, 2307.221, and 3727.181 of the Revised Code regarding hospital violence prevention and related training, security plans, and incident reporting and to generally grant civil immunity for certain injuries to a person who acts in self-defense or defense of another during the commission, or imminent commission, of an offense of violence to protect the members or guests of a nonprofit corporation under certain circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2923.126 and 3727.18 be amended; section 3727.18 (3727.182) be amended for the purpose of adopting a new section number as indicated in parentheses; and new section 3727.18 and sections 109.7411, 2307.221, and 3727.181 of the Revised Code be enacted to read as follows:

Sec. 109.7411. Not later than six months after the effective date of this section, the attorney general shall adopt, in accordance with Chapter 119. or pursuant to section 109.74 of the Revised Code, rules permitting security personnel employed directly by a hospital system, or a hospital that is not part of a hospital system, access to any online training that meets the requirements of division (B)(4) of section 3727.18 of the Revised Code and is available under sections 109.741 to 109.7410 of the Revised Code, or otherwise provided by the Ohio peace officer training academy or at approved peace officer training schools other than the Ohio peace officer training academy.

Sec. 2307.221. (A) As used in this section, "tort action" has the same meaning as in section 2307.60 of the Revised Code.

(B) No person is liable in a tort action for injury, death, or loss to person or property allegedly caused by the person's act of self-defense or defense of another when performed during the commission, or imminent commission, of an offense of violence to protect the members or guests, including the person's self, of a nonprofit corporation against the commission, or imminent commission, of that offense of violence, unless the person's act constitutes willful or wanton misconduct.

(C) Nothing in this section shall be construed to affect any right to bring a civil action under section 2307.60 of the Revised Code or any other section of the Revised Code.

(D) This section does not affect, and shall not be construed as affecting, any immunity from civil liability or defense established by another section of the Revised Code or available at common

law, to which the person may be entitled under circumstances not covered by this section.

(E) Subject to division (B) of this section, there is a presumption that a person who approaches or enters a nonprofit corporation's premises or event with intent to commit an offense of violence is liable for any injury, death, or loss to person or property resulting from an act of self-defense or defense of another against that person.

Sec. 2923.126. (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a concealed handgun license under section 2923.125 or 2923.1213 of the Revised Code may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.

(B) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under division (B) of section 2923.12 of the Revised Code or in any manner prohibited under section 2923.16 of the Revised Code. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A)(1) of section 5123.03 of the Revised Code;

(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code;

(3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

(8) A place in which federal law prohibits the carrying of handguns.

(C)(1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this section shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

(2)(a) 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.

(b) A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Chapter 2744. of the Revised Code, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(c) An institution of higher education 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 of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education 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 institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation 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 of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation 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 nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation. The immunities described in this division apply to an entity that leases its property to the nonprofit corporation or permits its property to be used by the nonprofit corporation for any purpose.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division (A)(4) of section 2911.21 of the Revised Code and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under section 2911.21 of the Revised Code or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.

If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of section 2911.211 of the Revised Code. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony of the fourth degree.

(b) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

(c) As used in division (C)(3) of this section:

(i) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

(ii) "Landlord," "tenant," and "rental agreement" have the same meanings as in section 5321.01 of the Revised Code.

(D) A person who holds a valid concealed handgun license issued by another state that is recognized by the attorney general pursuant to a reciprocity agreement entered into pursuant to section 109.69 of the Revised Code or a person who holds a valid concealed handgun license under the circumstances described in division (B) of section 109.69 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

(E)(1) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(2) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms

requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program.

(G) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) The person is not prohibited by federal law from receiving firearms.

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.

(3) "Government facility of this state or a political subdivision of this state" means any of the following:

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.

(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.

(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

(7) "Nonprofit corporation" means any private organization that is exempt from federal

income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

Sec. 3727.18. (A) Each hospital system, and each hospital that is not part of a hospital system, shall establish a security plan for preventing workplace violence. In developing the plan, the hospital system or hospital shall involve a team consisting of members selected by the hospital system or hospital, subject to both of the following:

(1) At least one member of the team shall be a current or former patient of the hospital system or hospital or a family member of such a patient.

(2) At least fifty per cent of the team's total membership shall be comprised of health care employees who provide direct patient care for the hospital system or hospital.

(B) All of the following apply to a security plan established under this section:

(1) The plan shall be based on the results of a security risk assessment, which, in the case of a hospital system, shall be conducted for each hospital in the system. The assessment shall address all high-risk areas of the hospital, including its emergency department and psychiatric department, if the hospital has such departments. The assessment shall be conducted in consultation with the medical and nursing directors of each department or other high-risk area that is assessed. The assessment shall consider any trauma level designation held by the hospital, overall patient volume, psychiatric and forensic patient volume, past incidents of violence against staff and levels of injury resulting from those incidents, rates of crime in the community, and any other data points specified by the team selected under division (A) of this section.

(2) The plan shall include an option for health care employees who provide direct patient care to request a first name only or first name and last initial only identification badge.

(3) The plan shall require at least one hospital employee trained in de-escalation practices to be present at all times in the hospital's emergency department and psychiatric department, if the hospital has such departments. The plan may require at least one such trained employee to be present in other high-risk areas that were identified during the hospital's risk assessment. Additionally, based on the risk assessment, the plan shall address whether hospital police officers, trained security personnel, or off-duty law enforcement officers are required to be present in the hospital's emergency department and psychiatric department, if any, and in other high-risk areas that were identified during the hospital's risk assessment.

(4) The plan shall outline training requirements for security personnel regarding all of the following:

(a) The potential use of and response to weapons;

(b) Defensive tactics;

(c) De-escalation techniques;

(d) Appropriate physical restraint and seclusion techniques;

(e) Crisis intervention;

(f) Trauma-informed approaches;

(g) Safely addressing situations involving individuals who pose a risk of self-harm or harm to others.

(5) The plan shall include guidelines outlining when law enforcement officers, hospital police officers, or trained security personnel, remain with a patient who has demonstrated violence or poses a risk of self-harm or harm to others. The guidelines shall be developed jointly with law enforcement authorities, including hospital police departments, that agree to participate after being invited to participate by the hospital system or hospital.

(C) Each hospital system and hospital that establishes a security plan pursuant to this section shall review and evaluate the plan on an annual basis. In conducting the review and evaluation, the hospital system or hospital shall involve the team selected under division (A) of this section or a successor team that meets the membership requirements described in that division. If it is determined from the review and evaluation that revisions to the plan are required, the hospital system or hospital shall revise the plan accordingly.

(D) All hospital systems and hospitals shall annually, in the form and manner specified by the department of health, attest to the department that the hospital system or hospital has reviewed and, if necessary, updated the security plan.

(E) Notwithstanding any provision of the Revised Code to the contrary, both of the following are confidential and not public records under section 149.43 of the Revised Code:

(1) Security plans developed under this section and their annual revisions;

(2) Information submitted to the department under division (D) of this section.

Sec. 3727.181. Each hospital system, and each hospital that is not part of a hospital system, shall establish a workplace violence incident reporting system, which shall be documented, tracked, and analyzed. The results of the analysis shall be used to make improvements in preventing workplace violence, including improvements achieved through continuing education in targeted areas such as de-escalation training, risk identification, and prevention planning.

The reporting system shall be clearly communicated to employees, including to all new employees during orientation, and shall include guidelines for when and how to report incidents to the employer, security agencies, law enforcement authorities, including hospital police departments, local emergency service organizations, or government agencies.

Each hospital system, and each hospital that is not part of a hospital system, shall adopt a policy that prohibits any person from discriminating or retaliating against any health care employee for reporting to, or seeking assistance or intervention from, the employer, security agencies, law enforcement authorities, including hospital police departments, local emergency service organizations, or government agencies, or for participating in an incident investigation.

All hospital systems and hospitals shall use their reporting systems to track the following: the number of incidents reported through their respective reporting systems; the number of incidents reported to law enforcement authorities, including those reported to a hospital police department; and the number of individuals involved in the incidents who are criminally charged as a result. The

data shall be shared with the team involved in developing the security plan under section 3727.18 of the Revised Code or in conducting the annual review and evaluation of the plan under that section.

Sec. ~~3727.18~~ 3727.182. (A) ~~Any hospital may~~ All hospitals shall post the notice described in division (B) of this section in accordance with this division. ~~A~~ The notice may be posted in print or a digital sign format. Each hospital that decides to post the notice shall consider posting it ~~the notice~~ in a conspicuous location in all of the following areas:

(1) Major waiting room areas, including the waiting room areas of the emergency department, the labor and delivery department, the surgical department or unit, and the intensive care unit;

(2) The main entrance to the hospital;

(3) Any other area that the hospital determines to be appropriate.

(B) A notice posted pursuant to division (A) of this section shall include, ~~at a minimum, all~~ of the following statements and information, either as stated in this division or by using similar wording:

"WE WILL NOT TOLERATE

any form of threatening or

aggressive behavior

toward our staff.

Assaults against our staff ~~might~~ are serious violations

and could result in consequences, including a felony conviction.

All staff have the right to carry out

their work without fearing for their safety."

SECTION 2. That existing sections 2923.126 and 3727.18 of the Revised Code are hereby repealed.

SECTION 3. In the case of a hospital system, or a hospital that is not part of a hospital system, that exists on the effective date of this section, the hospital system or hospital shall do all of the following not later than three months after that date:

(A) Comply with section 3727.18 of the Revised Code by establishing a security plan for preventing workplace violence and by submitting a copy of the plan to the Department of Health;

(B) Comply with section 3727.181 of the Revised Code by establishing a workplace violence incident reporting system;

(C) Comply with posting the notice as described in section 3727.182 of the Revised Code.

SECTION 4. The Department of Higher Education, jointly with the Department of Health, shall survey colleges and universities that provide education and training to students seeking to become health care providers, including medical students, nursing students, and allied health students, to determine the extent to which the education and training provided to those students address the prevention of workplace violence. The survey shall include a determination of whether de-escalation, conflict management, and risk identification and assessment are part of the education and training. Based on the survey, the Chancellor of Higher Education, in consultation with the Ohio Council of Medical School Deans and the Ohio Council of Deans and Directors of Baccalaureate and Higher Degree Nursing Programs, shall make recommendations and prepare a report for the General Assembly. The survey and report shall be completed not later than one year after the effective date of this section. The report shall be provided in accordance with section 101.68 of the Revised Code.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 452

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____