

As Introduced

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S. B. No. 279

Senator Johnson

Cosponsors: Senators O'Brien, Koehler, Manchester

To amend sections 2923.121 and 2923.1214 and to
enact section 2923.1215 of the Revised Code to
prohibit a business, state agency, or political
subdivision from discouraging or prohibiting a
law enforcement officer from carrying a weapon
while off duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.121 and 2923.1214 be amended
and section 2923.1215 of the Revised Code be enacted to read as
follows:

Sec. 2923.121. (A) No person shall possess a firearm in
any room in which any person is consuming beer or intoxicating
liquor in a premises for which a D permit has been issued under
Chapter 4303. of the Revised Code or in an open air arena for
which a permit of that nature has been issued.

(B) (1) This section does not apply to any of the
following:

(a) An officer, agent, or employee of this or any other
state or the United States, or a law enforcement officer, who is
authorized to carry firearms and is acting within the scope of

the officer's, agent's, or employee's duties; 20

(b) A law enforcement officer or investigator who is 21
authorized to carry firearms but is not acting within the scope 22
of the officer's or investigator's duties, as long as ~~all~~ both 23
of the following apply: 24

(i) The officer or investigator is carrying validating 25
identification. 26

~~(ii) If the firearm the officer or investigator possesses~~ 27
~~is a firearm issued or approved by the law enforcement agency~~ 28
~~served by the officer or by the bureau of criminal~~ 29
~~identification and investigation with respect to an~~ 30
~~investigator, the agency or bureau does not have a restrictive~~ 31
~~firearms carrying policy.~~ 32

~~(iii)~~ The officer or investigator is not consuming beer or 33
intoxicating liquor and is not under the influence of alcohol or 34
a drug of abuse. 35

(c) Any room used for the accommodation of guests of a 36
hotel, as defined in section 4301.01 of the Revised Code; 37

(d) The principal holder of a D permit issued for a 38
premises or an open air arena under Chapter 4303. of the Revised 39
Code while in the premises or open air arena for which the 40
permit was issued if the principal holder of the D permit also 41
has been issued a concealed handgun license that is valid at the 42
time in question and as long as the principal holder is not 43
consuming beer or intoxicating liquor or under the influence of 44
alcohol or a drug of abuse, or any agent or employee of that 45
holder who also is a peace officer, as defined in section 46
2151.3515 of the Revised Code, who is off duty, and who 47
otherwise is authorized to carry firearms while in the course of 48

the officer's official duties and while in the premises or open 49
air arena for which the permit was issued and as long as the 50
agent or employee of that holder is not consuming beer or 51
intoxicating liquor or under the influence of alcohol or a drug 52
of abuse. 53

(e) Any person who has been issued a concealed handgun 54
license that is valid at the time in question or any person who 55
is an active duty member of the armed forces of the United 56
States and is carrying a valid military identification card and 57
documentation of successful completion of firearms training that 58
meets or exceeds the training requirements described in division 59
(G) (1) of section 2923.125 of the Revised Code, as long as the 60
person is not consuming beer or intoxicating liquor or under the 61
influence of alcohol or a drug of abuse. 62

(2) This section does not prohibit any person who is a 63
member of a veteran's organization, as defined in section 64
2915.01 of the Revised Code, from possessing a rifle in any room 65
in any premises owned, leased, or otherwise under the control of 66
the veteran's organization, if the rifle is not loaded with live 67
ammunition and if the person otherwise is not prohibited by law 68
from having the rifle. 69

(3) This section does not apply to any person possessing 70
or displaying firearms in any room used to exhibit unloaded 71
firearms for sale or trade in a soldiers' memorial established 72
pursuant to Chapter 345. of the Revised Code, in a convention 73
center, or in any other public meeting place, if the person is 74
an exhibitor, trader, purchaser, or seller of firearms and is 75
not otherwise prohibited by law from possessing, trading, 76
purchasing, or selling the firearms. 77

(C) It is an affirmative defense to a charge under this 78

section of illegal possession of a firearm in a liquor permit 79
premises that involves the possession of a firearm other than a 80
handgun, that the actor was not otherwise prohibited by law from 81
having the firearm, and that any of the following apply: 82

(1) The firearm was carried or kept ready at hand by the 83
actor for defensive purposes, while the actor was engaged in or 84
was going to or from the actor's lawful business or occupation, 85
which business or occupation was of such character or was 86
necessarily carried on in such manner or at such a time or place 87
as to render the actor particularly susceptible to criminal 88
attack, such as would justify a prudent person in going armed. 89

(2) The firearm was carried or kept ready at hand by the 90
actor for defensive purposes, while the actor was engaged in a 91
lawful activity, and had reasonable cause to fear a criminal 92
attack upon the actor or a member of the actor's family, or upon 93
the actor's home, such as would justify a prudent person in 94
going armed. 95

(D) No person who is charged with a violation of this 96
section shall be required to obtain a concealed handgun license 97
as a condition for the dismissal of the charge. 98

(E) Whoever violates this section is guilty of illegal 99
possession of a firearm in a liquor permit premises. Except as 100
otherwise provided in this division, illegal possession of a 101
firearm in a liquor permit premises is a felony of the fifth 102
degree. If the offender commits the violation of this section by 103
knowingly carrying or having the firearm concealed on the 104
offender's person or concealed ready at hand, illegal possession 105
of a firearm in a liquor permit premises is a felony of the 106
third degree. 107

(F) As used in this section:	108
(1) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.	109 110
(2) "Investigator" has the same meaning as in section 109.541 of the Revised Code.	111 112
(3) "Restrictive firearms carrying policy" means a specific policy of a law enforcement agency or the bureau of criminal identification and investigation that prohibits all officers of the agency or all investigators of the bureau, while not acting within the scope of the officer's or investigator's duties, from doing either of the following:	113 114 115 116 117 118
(a) Carrying a firearm issued or approved by the agency or bureau in any room, premises, or arena described in division (A) of this section;	119 120 121
(b) Carrying a firearm issued or approved by the agency or bureau in premises described in division (A) of section 2923.1214 of the Revised Code.	122 123 124
(4) "Law enforcement officer" has the same meaning as in section 9.69 of the Revised Code.	125 126
(5) (4) "Validating identification" means one of the following:	127 128
(a) Photographic identification issued by the law enforcement agency for which an individual serves as a law enforcement officer that identifies the individual as a law enforcement officer of the agency;	129 130 131 132
(b) Photographic identification issued by the bureau of criminal identification and investigation that identifies an individual as an investigator of the bureau.	133 134 135

Sec. 2923.1214. (A) ~~Subject to division (B) of this~~ 136
~~section, an~~ An establishment serving the public may not prohibit 137
~~or, restrict, or discourage~~ a law enforcement officer or 138
investigator who is carrying validating identification from 139
carrying a weapon on the premises that the officer or 140
investigator is authorized to carry, regardless of whether the 141
officer or investigator is acting within the scope of that 142
officer's or investigator's duties while carrying the weapon. 143

~~(B) Division (A) of this section does not apply with~~ 144
~~respect to a law enforcement officer's or investigator's~~ 145
~~carrying of a weapon on the premises of an establishment serving~~ 146
~~the public if the officer or investigator is not acting within~~ 147
~~the scope of the officer's or investigator's duties, the weapon~~ 148
~~is a firearm issued or approved by the law enforcement agency~~ 149
~~served by the officer or by the bureau of criminal~~ 150
~~identification and investigation with respect to an~~ 151
~~investigator, and the agency or bureau has a restrictive~~ 152
~~firearms carrying policy.~~ 153

~~(C) (1)~~ (B) (1) Subject to division ~~(C) (2)~~ (B) (2) of this 154
section, the owner of an establishment serving the public, the 155
operator of an establishment serving the public, and the 156
employer of persons employed at an establishment serving the 157
public shall be immune from liability in a civil action for 158
injury, death, or loss to person or property that allegedly was 159
caused by or related to a law enforcement officer or 160
investigator bringing a weapon into the establishment or onto 161
the premises of the establishment. 162

(2) The immunity provided in division ~~(C) (1)~~ (B) (1) of this 163
section is not available to an owner, operator, or employer of 164
an establishment serving the public with respect to injury, 165

death, or loss to person or property of the type described in 166
that division if the owner, operator, or employer engaged in an 167
act or omission that contributed to the injury, death, or loss 168
and the owner's, operator's, or employer's act or omission was 169
with malicious purpose, in bad faith, or in a wanton or reckless 170
manner. 171

(C) A business that violates division (A) of this section 172
shall be liable to the injured party for attorney's fees 173
incurred in bringing an action under this section and subject to 174
a civil penalty of ten thousand dollars per occurrence. 175

(D) As used in this section: 176

(1) "Establishment serving the public" means a hotel, a 177
restaurant or other place where food is regularly offered for 178
sale, a retail business or other commercial establishment or 179
office building that is open to the public, a sports venue, or 180
any other place of public accommodation, amusement, or resort 181
that is open to the public. 182

(2) "Hotel" has the same meaning as in section 3731.01 of 183
the Revised Code. 184

(3) "Sports venue" means any arena, stadium, or other 185
facility that is used primarily as a venue for sporting and 186
athletic events for which admission is charged. 187

(4) "Investigator" has the same meaning as in section 188
109.541 of the Revised Code. 189

(5) ~~"Restrictive firearm carrying policy" and "validating"~~ 190
"Validating identification" have has the same meanings as in 191
section 2923.121 of the Revised Code. 192

(6) "Law enforcement officer" has the same meaning as in 193

section 9.69 of the Revised Code. 194

Sec. 2923.1215. (A) No state agency or political 195
subdivision shall prohibit or discourage a peace officer 196
employed by the state or political subdivision from carrying a 197
weapon that the law enforcement officer is authorized to carry 198
while the officer is off duty. 199

(B) Notwithstanding anything to the contrary in Chapters 200
2743. and 2744. of the Revised Code, if the state or a political 201
subdivision violates division (A) of this section, the state or 202
political subdivision shall be liable to the injured party for 203
attorney's fees incurred in bringing an action under this 204
section and subject to a civil penalty of ten thousand dollars 205
per occurrence. 206

Section 2. That existing sections 2923.121 and 2923.1214 207
of the Revised Code are hereby repealed. 208