

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 293

Senators Gavarone, Johnson

A BILL

To amend section 9.68 of the Revised Code to 1
prohibit requiring fees or firearms liability 2
insurance for the possession of firearms. 3

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

Section 1. That section 9.68 of the Revised Code be 4
amended to read as follows: 5

Sec. 9.68. (A) The individual right to keep and bear arms, 6
being a fundamental individual right that predates the United 7
States Constitution and Ohio Constitution, and being a 8
constitutionally protected right in every part of Ohio, the 9
general assembly finds the need to provide uniform laws 10
throughout the state regulating the ownership, possession, 11
purchase, other acquisition, transport, storage, carrying, sale, 12
other transfer, manufacture, taxation, keeping, and reporting of 13
loss or theft of firearms, their components, and their 14
ammunition. The general assembly also finds and declares that it 15
is proper for law-abiding people to protect themselves, their 16
families, and others from intruders and attackers without fear 17
of prosecution or civil action for acting in defense of 18
themselves or others. Except as specifically provided by the 19

United States Constitution, Ohio Constitution, state law, or 20
federal law, a person, without further license, permission, 21
restriction, delay, or process, including by any ordinance, 22
rule, regulation, resolution, practice, or other action or any 23
threat of citation, prosecution, or other legal process, may 24
own, possess, purchase, acquire, transport, store, carry, sell, 25
transfer, manufacture, or keep any firearm, part of a firearm, 26
its components, and its ammunition, without being required to 27
have firearm liability insurance or pay a fee for the possession 28
of the firearm, parts, components, or ammunition. Any such 29
further license, permission, restriction, delay, or process 30
interferes with the fundamental individual right described in 31
this division and unduly inhibits law-abiding people from 32
protecting themselves, their families, and others from intruders 33
and attackers and from other legitimate uses of constitutionally 34
protected firearms, including hunting and sporting activities, 35
and the state by this section preempts, supersedes, and declares 36
null and void any such further license, permission, restriction, 37
delay, or process. 38

(B) A person, group, or entity adversely affected by any 39
manner of ordinance, rule, regulation, resolution, practice, or 40
other action enacted or enforced by a political subdivision in 41
conflict with division (A) of this section may bring a civil 42
action against the political subdivision seeking damages from 43
the political subdivision, declaratory relief, injunctive 44
relief, or a combination of those remedies. Any damages awarded 45
shall be awarded against, and paid by, the political 46
subdivision. In addition to any actual damages awarded against 47
the political subdivision and other relief provided with respect 48
to such an action, the court shall award reasonable expenses to 49
any person, group, or entity that brings the action, to be paid 50

by the political subdivision, if either of the following 51
applies: 52

(1) The person, group, or entity prevails in a challenge 53
to the ordinance, rule, regulation, resolution, practice, or 54
action as being in conflict with division (A) of this section. 55

(2) The ordinance, rule, regulation, resolution, practice, 56
or action or the manner of its enforcement is repealed or 57
rescinded after the civil action was filed but prior to a final 58
court determination of the action. 59

(C) As used in this section: 60

(1) The possession, transporting, or carrying of firearms, 61
their components, or their ammunition include, but are not 62
limited to, the possession, transporting, or carrying, openly or 63
concealed on a person's person or concealed ready at hand, of 64
firearms, their components, or their ammunition. 65

(2) "Firearm" has the same meaning as in section 2923.11 66
of the Revised Code. 67

(3) "Reasonable expenses" include, but are not limited to, 68
reasonable attorney's fees, court costs, expert witness fees, 69
and compensation for loss of income. 70

(4) "Firearm liability insurance" means a policy of 71
liability insurance covering losses resulting from the use of a 72
firearm owned by the person covered by the policy. 73

(D) This section does not apply to either of the 74
following: 75

(1) A zoning ordinance that regulates or prohibits the 76
commercial sale of firearms, firearm components, or ammunition 77
for firearms in areas zoned for residential or agricultural 78

uses;	79
(2) A zoning ordinance that specifies the hours of	80
operation or the geographic areas where the commercial sale of	81
firearms, firearm components, or ammunition for firearms may	82
occur, provided that the zoning ordinance is consistent with	83
zoning ordinances for other retail establishments in the same	84
geographic area and does not result in a de facto prohibition of	85
the commercial sale of firearms, firearm components, or	86
ammunition for firearms in areas zoned for commercial, retail,	87
or industrial uses.	88
Section 2. That existing section 9.68 of the Revised Code	89
is hereby repealed.	90