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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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S.B. 360
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Obhof

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SUMMARY

- Bars public officials from prohibiting all federally licensed firearms dealers in the state or a specified geographic area from the commercial sale or transfer of firearms, firearm components, or ammunition except in specified zoning circumstances.

DETAILED ANALYSIS

Prohibiting the commercial sale or transfer of firearms

The bill bars any public official, except in limited circumstances outlined below, from issuing an order that prohibits all federally licensed firearms dealers (FLFD) in the state or in a geographic area of the state from engaging in the commercial sale, giving, furnishing, or transfer of firearms, firearm components, or ammunition for firearms. The provisions in the bill apply despite any contrary provision in the Revised Code.

The bill does not prohibit a public official from issuing an order, pursuant to the official's authority under the Revised Code or a local ordinance, that prohibits a particular FLFD from engaging in the commercial sale, giving, furnishing, or transfer of firearms, firearm components, or ammunition for firearms.¹ Likewise, the bill does not apply to either a zoning ordinance that regulates or prohibits the commercial sale of firearms, firearm components, or ammunition for firearms in areas zoned for residential or agricultural uses, or a zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of firearms, firearm components, or ammunition for firearms may occur, provided that the zoning ordinance is consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of firearms, firearm

¹ R.C. 9.71(B).

components, or ammunition for firearms in areas zoned for commercial, retail, or industrial uses.²

Definitions

For purposes of the bill:

- A “federally licensed firearms dealer” is an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the federal Gun Control Act.³
- A “firearm” is any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. “Firearm” includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.⁴
- A “public official” is any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.⁵

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 08-31-20 |

S0360-I-133/ar

² R.C. 9.71(C) and R.C. 9.68(D), not in the bill.

³ R.C. 9.71(A)(1) and R.C. 5502.63, not in the bill.

⁴ R.C. 9.71(A)(2) and R.C. 2923.11, not in the bill.

⁵ R.C. 9.71(A)(3).