



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dennis M. Papp

H.B. 79

132nd General Assembly
(As Passed by the House)

Reps. Retherford and Hagan, Hambley, Seitz, Dean, Thompson, Brenner, Faber, Becker, Vitale, Brinkman, Koehler, Riedel, Goodman, Antani, Stein, Hood, Schaffer, Blessing, Roegner, Merrin, Antonio, Arndt, Ashford, Carfagna, Cupp, DeVitis, Gavarone, Ginter, Green, Greenspan, Henne, Hill, Holmes, Householder, Johnson, Keller, Kick, Landis, Lanese, Lang, LaTourette, McColley, Miller, Patton, Pelanda, Perales, Rezabek, Romanchuk, Ryan, Schuring, Slaby, Sprague, Sweeney, West, Wiggam, Young

BILL SUMMARY

- Authorizes a tactical medical professional who has received firearms training and is authorized to carry firearms by the law enforcement agency to which the professional is attached to carry a firearm while on duty under the same terms as the agency's law enforcement officers.
 - Provides for firearms training for tactical medical professionals.
 - Specifies that a tactical medical professional who is qualified to carry a firearm while on duty has the same right to carry a concealed handgun as a person who has been issued a concealed handgun license.
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CONTENT AND OPERATION

Tactical medical professionals authorized to carry firearms while on duty

General authority

The bill permits a "tactical medical professional" (see below) to carry firearms while on duty in the same manner, to the same extent, and in the same areas as a law enforcement officer of the law enforcement agency that the professional is serving, if both of the following apply:¹

¹ R.C. 109.771(A).

(1) The law enforcement agency has authorized the tactical medical professional to carry firearms while on duty.

(2) The tactical medical professional has done or received one of the following:

- Has been awarded a certificate by the Executive Director of the Ohio Peace Officer Training Commission (OPOTC) that attests to the professional's satisfactory completion of an approved state, county, or municipal basic training program or a program at the Ohio Peace Officer Training Academy (OPOTA) that qualifies the professional to carry firearms while on duty.
- Prior to or during employment as a tactical medical professional and prior to the bill's effective date, has successfully completed a firearms training program that was approved by the OPOTC, other than one of the programs described in the previous dot point.

As defined by and used in the bill, "tactical medical professional" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to an Ohio law enforcement agency or an Ohio political subdivision.² The medical professionals included in this definition are defined below in "**Medical professional definitions.**"

Protection from criminal and civil liability

The bill grants a tactical medical professional who is carrying one or more firearms in accordance with the bill's provisions described above protection from potential civil or criminal liability for conduct occurring while the professional is carrying the firearm or firearms. The liability protection covers the professional to the same extent as a law enforcement officer of the law enforcement agency that the professional is serving.³

Authority to carry a concealed handgun

The bill grants a tactical medical professional who is qualified to carry firearms while on duty under the provisions described above the same right to carry a concealed

² R.C. 109.71(E), and R.C. 2923.126(G)(5), by reference.

³ R.C. 109.771(B).



handgun as a person who was issued a concealed carry handgun license under the Concealed Handgun License Law.⁴

Medical professional definitions

As used in the bill:

- "Nurse" means any of the following: (1) any person who is licensed to practice nursing as a registered nurse by the Board of Nursing, (2) any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the Board of Nursing under R.C. Chapter 4723., and (3) any person who is licensed to practice nursing as a licensed practical nurse by the Board of Nursing under R.C. Chapter 4723.⁵
- "Physician" means a person who is licensed pursuant to R.C. Chapter 4731. to practice medicine and surgery or osteopathic medicine and surgery.⁶
- "EMT," "EMT-basic," "EMT-I," "AEMT," and "paramedic" have the same meanings as in existing R.C. 4765.01 and 4765.011 of the Division of Emergency Medical Services Law, which is R.C. Chapter 4765.⁷

The bill does not define or describe "tactical combat casualty care" and "tactical emergency medical support" programs. These programs are not defined or described elsewhere in the Revised Code or the Ohio Administrative Code.

Ohio Attorney General to adopt training rules for tactical medical professionals

The bill requires the Ohio Attorney General (the AG) to adopt rules governing the training of tactical medical professionals to qualify them to carry firearms while on duty under the bill's "**General authority**" described above. The rules must specify the amount of training necessary for the satisfactory completion of training programs at approved peace officer training schools, other than the OPOTA, and must be adopted in accordance with R.C. Chapter 119., the Administrative Procedure Law, or R.C. 109.74

⁴ R.C. 2923.126(E)(3); the Concealed Handgun License Law is R.C. 2923.124 to 2923.1213, not in the bill except for R.C. 2923.126.

⁵ R.C. 109.71(G).

⁶ R.C. 109.71(H).

⁷ R.C. 109.71(F).



(that section, not in the bill, authorizes the AG, in accordance with Chapter 119., to adopt any or all of the rules recommended by the OPOTC).⁸

The rules also must include all of the following:⁹

- A requirement that the tactical medical professional receive firearms training through a program approved by the OPOTC;
- A requirement that the tactical medical professional receive training in any additional subjects deemed necessary by the OPOTC;
- For a tactical medical professional seeking certification to carry a rifle or carbine, a requirement that the professional receive, in addition to the training described above, training with respect to the carrying and use of rifles and carbines through a program approved by the OPOTC.

The Attorney General also is required to adopt in accordance with R.C. Chapter 119. or R.C. 109.74 rules authorizing and governing: (1) the attendance of tactical medical professionals at approved peace officer training schools, including the OPOTA, to receive the necessary training to qualify them to carry firearms while on duty under the bill's "**General authority**" described above, and (2) the certification of tactical medical professionals upon their satisfactory completion of the training program.¹⁰

Ohio Peace Officer Training Commission to recommend training rules

The bill requires the OPOTC (a division in the office of the AG)¹¹ to recommend rules to the AG with respect to permitting tactical medical professionals to attend an approved peace officer training school, including the OPOTA, to receive training that qualifies a tactical medical professional to carry firearms while on duty under the bill's "**General authority**" described above, and to obtain a certificate of satisfactory completion of that training. The bill also requires the OPOTC to recommend rules with respect to the requirements for the training program, which requirements must include at least the minimum firearms training required by the bill, as set forth under "**Ohio**

⁸ R.C. 109.748.

⁹ R.C. 109.748(A).

¹⁰ R.C. 109.748(B).

¹¹ R.C. 109.71.



Attorney General to adopt training rules for tactical medical professionals," above.¹²

Certification as a tactical medical professional

The OPOTC's Executive Director is given the duty to certify, and to issue appropriate certificates to, the tactical medical professionals who have satisfactorily completed an approved training program that qualifies the professional to carry firearms while on duty under the bill's "**General authority**" described above.¹³

The bill requires the OPOTA to permit tactical medical professionals to attend training courses at the OPOTA that are designed to qualify the professionals to carry firearms while on duty under the bill's "**General authority**" described above. The courses must provide training comparable to the training set forth in rules adopted by the AG under the bill, as described above under "**Ohio Attorney General to adopt training rules for tactical medical professionals.**" The law enforcement agency served by the tactical medical professional who attends the OPOTA is permitted to pay the tuition costs of the professional.¹⁴

Firearms requalification

The Revised Code requires specified persons who are authorized to carry firearms in the course of their official duties (e.g., traditional law enforcement officers and other specified persons) to successfully complete an annual firearms requalification program that is approved by the OPOTC's Executive Director in accordance with rules adopted by the AG. The bill adds tactical medical professionals to the list of persons who are required to complete an annual firearms requalification program.¹⁵

HISTORY

ACTION	DATE
Introduced	02-22-17
Reported, H. Federalism & Interstate Relations	09-13-17
Passed House (90-7)	10-11-17

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¹² R.C. 109.73(A)(13) and (14).

¹³ R.C. 109.75(M) and 109.79(A).

¹⁴ R.C. 109.79(A).

¹⁵ R.C. 109.801(A).

