



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Sarah A. Maki

Am. Sub. H.B. 79 132nd General Assembly (As Passed by the General Assembly)

- 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, T. Johnson, Keller, Kick, Landis, Lanese, Lang, LaTourette, McColley, Miller, Patton, Pelanda, Perales, Rezabek, Romanchuk, Ryan, Schuring, Slaby, Sprague, Sweeney, West, Wiggam, Young
- Sens.** Eklund, Coley, Bacon, Beagle, Burke, Gardner, Hackett, Hoagland, Huffman, LaRose, Lehner, Obhof, O'Brien, Oelslager, Peterson, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

Effective date: June 1, 2018

ACT SUMMARY

- Authorizes a tactical medical professional who has received firearms training and is specifically 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 authorized to carry a firearm 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 on duty

General authority

The act 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) The law enforcement agency that the tactical medical professional is serving has specifically authorized the professional to carry firearms on duty.

(2) The tactical medical professional either:

- 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 that qualifies the professional to carry firearms on duty and conforms to the rules described below; or
- Prior to or during employment as a tactical medical professional, and prior to June 1, 2018 (the act'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.

The tactical medical professionals who may be authorized to carry firearms are: EMTs, EMTs-basic, AEMTs, EMTs-I, paramedics, nurses, or physicians who (1) are 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 (2) function 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 act grants a tactical medical professional who is carrying one or more firearms in accordance with the 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

¹ R.C. 109.771(A).

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

³ R.C. 109.771(B).



Authority to carry a concealed handgun

The act 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 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 act:

- "Nurse" means (1) any person licensed by the Board of Nursing to practice nursing as a licensed practical nurse or as a registered nurse and (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.
- "Physician" means a person who is licensed by the State Medical Board to practice medicine and surgery or osteopathic medicine and surgery.
- "EMT," "EMT-basic," "EMT-I," "AEMT," and "paramedic" have the same meanings as in the Emergency Medical Services Law.⁵

The act 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.

Attorney General rules

The act requires the Attorney General (the AG) to adopt rules governing the training of tactical medical professionals to qualify them to carry firearms while on duty. 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 Ohio Peace Officer Training Academy, and must be adopted in accordance with the Administrative Procedure Act, or R.C. 109.74 (which authorizes the AG, in accordance with the Administrative Procedure Act, to adopt any or all rules recommended by the OPOTC).⁶

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

⁵ R.C. 109.71(F) to (H).

⁶ R.C. 109.748.



The rules also must include the following requirements:⁷

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

The Attorney General also must adopt rules authorizing and governing: (1) the attendance of tactical medical professionals at approved peace officer training schools, including the Ohio Peace Officer Training Academy, to receive the necessary training to qualify them to carry firearms on duty and (2) the certification of tactical medical professionals upon their satisfactory completion of the training program. These rules must be adopted in accordance with the Administrative Procedure Act or R.C. 109.74.⁸

Ohio Peace Officer Training Commission to recommend training rules

The act requires the OPOTC (a division in the AG's office) to recommend rules to the AG with respect to permitting tactical medical professionals to (1) attend an approved peace officer training school, including the Ohio Peace Officer Training Academy, (2) receive training that qualifies them to carry firearms while on duty, and (3) obtain certificates of satisfactory completion of that training. The OPOTC also must recommend rules with respect to the requirements for the training program, which must include at least the act's minimum firearms training requirements.⁹

Certification of tactical medical professionals

The OPOTC's Executive Director is given the duty to certify, and to issue appropriate certificates to, the tactical medical professionals who satisfactorily complete an approved training program.¹⁰

⁷ R.C. 109.748(A).

⁸ R.C. 109.748(B).

⁹ R.C. 109.73(A)(13) and (14).

¹⁰ R.C. 109.75(M) and 109.79(A).



The act requires the Ohio Peace Officer Training Academy to permit tactical medical professionals to attend training courses at the Academy that are designed to qualify them to carry firearms on duty. The courses must provide training comparable to the training set forth in rules adopted by the AG under the act. The law enforcement agency served a tactical medical professional who attends the Academy may pay the professional's tuition costs.¹¹

Firearms requalification

The act adds tactical medical professionals to the list of persons who, if authorized to carry firearms in the course of their official duties, must complete an annual firearms requalification program. 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 others) to successfully complete an annual firearms requalification program that is approved by the OPOTC's Executive Director.¹²

HISTORY

ACTION	DATE
Introduced	02-22-17
Reported, H. Federalism & Interstate Relations	09-13-17
Passed House (90-7)	10-11-17
Reported, S. Judiciary	01-31-18
Passed Senate (31-0)	02-06-18
House concurred in Senate amendments (92-2)	02-14-18

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¹¹ R.C. 109.79(A).

¹² R.C. 109.801(A).

