



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Nicholas A. Keller

S.B. 281

132nd General Assembly
(As Introduced)

Sens. Hoagland and Eklund, Terhar, Uecker, Williams

BILL SUMMARY

- Expressly allows a federally licensed firearms dealer to refuse to sell a firearm to a person regardless of whether the prospective buyer is permitted to purchase a firearm under federal law.
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CONTENT AND OPERATION

Refusing sale of firearms

The bill allows a federally licensed firearms dealer (FLFD) the right to refuse to sell or otherwise transfer a firearm to any person.¹ An FLFD under the bill 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 of 1968.²

Under federal law, an FLFD may not transfer a firearm to a person who is not an FLFD unless the FLFD contacts the National Instant Criminal Background Check System (NICS) and either NICS provides the FLFD with an identification number to proceed with the sale or three days have passed since the FLFD contacted the system and the system has not notified the FLFD that the sale would violate federal law.³ The right to refuse to sell or transfer a firearm under the bill applies even if the FLFD has

¹ R.C. 2923.25(B)(1).

² R.C. 2923.25(A)(1) and 5502.63, not in the bill.

³ 18 U.S.C. 922(t).

made the required NICS inquiry and even if the proposed sale is not prohibited by law or as a result of the NICS inquiry.⁴

Immunity from liability

An FLFD who refuses to sell or otherwise transfer a firearm to a person under the bill is immune from any civil liability for any injury, death, or loss to person or property that allegedly was caused by, resulted from, or was related to the refusal to sell or otherwise transfer the firearm to the person.⁵

HISTORY

ACTION	DATE
Introduced	03-26-18

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⁴ R.C. 2923.25(B)(2).

⁵ R.C. 2923.25(B)(3).

