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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 360\*  
133<sup>rd</sup> General Assembly

## Bill Analysis

[Click here for S.B. 360's Fiscal Note](#)

**Version:** As Reported by House State and Local Government

**Primary Sponsor:** Sen. Obhof

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### SUMMARY

- Bars public officials from prohibiting federally licensed firearms dealers in Ohio or a specified geographic area from engaging in 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 federally licensed firearms dealers (FLFD) in Ohio or in a smaller geographic area of the state from engaging in the commercial sale, giving, furnishing, or transfer of firearms, firearm components, or ammunition for firearms. These provisions control over any contrary Revised Code provision.

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 these activities.<sup>1</sup> Likewise, the bill does not apply to either a zoning ordinance that regulates or prohibits these activities in areas zoned for residential or agricultural uses, or a zoning ordinance that specifies the hours of operation or the geographic areas where these activities may occur, provided that the zoning ordinance is consistent with zoning ordinances

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\* This analysis was prepared before the report of the House State and Local Government Committee appeared in the House Journal. Note that the legislative history may be incomplete.

<sup>1</sup> R.C. 9.71(B).

for other retail establishments in the same geographic area and does not result in a de facto prohibition of these activities in areas zoned for commercial, retail, or industrial uses.<sup>2</sup>

## Federally licensed firearms dealers

The bill clarifies the existing law definition of “federally licensed firearms dealer” that applies to various sections of the Revised Code and to the bill so that “federally licensed firearms dealer” for purposes of those sections means “an importer, manufacturer, or dealer having a license to deal in destructive devices, ammunition for destructive devices, *firearms*, or *ammunition for firearms*, issued and in effect pursuant to the federal Gun Control Act” rather than simply “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.”<sup>3</sup>

## Definitions

For purposes of the bill:

- 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.<sup>4</sup>
- 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.<sup>5</sup>

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## HISTORY

Action	Date
Introduced	08-31-20
Reported, S. Gov’t Oversight and Reform	09-23-20
Passed Senate (28-5)	09-23-20
Reported, H. State and Local Government	---

S0360-RH-133/ar

<sup>2</sup> R.C. 9.71(C) and R.C. 9.68(D), not in the bill.

<sup>3</sup> R.C. 5502.63.

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

<sup>5</sup> R.C. 9.71(A)(3).