



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dennis M. Papp

Sub. H.B. 79*

132nd General Assembly
(As Reported by S. Judiciary)

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 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.
- Authorizes a coroner's investigator who has received firearms training and is authorized to carry firearms by the county coroner the investigator serves to carry a firearm while on duty.
- Provides for firearms training for tactical medical professionals and coroner's investigators.
- 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.

* This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Tactical medical professionals and coroner's investigators 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, and permits a "coroner's investigator" (see below) to carry firearms while on duty, if both of the following apply:¹

(1) The law enforcement agency that the tactical medical professional is serving has specifically authorized the professional, or the county coroner that the coroner's investigator is serving has authorized the investigator, whichever is applicable, to carry firearms while on duty.

(2) The tactical medical professional or investigator 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 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 or investigator to carry firearms while on duty and that conforms to the rules described below.
- Prior to or during employment as a tactical medical professional or coroner's investigator 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

¹ R.C. 109.771(A) and (C).

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



professionals included in this definition are defined below in "**Medical professional definitions.**"

As defined by and used in the bill, "coroner's investigator" means an investigator appointed by a county coroner under a coroner's general authority to appoint investigators and define their duties.³

Protection from criminal and civil liability for tactical medical professionals

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.⁴ The bill does not include a similar grant with respect to coroner's investigators.

Authority of tactical medical professional 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 handgun as a person who was issued a concealed carry handgun license under the Concealed Handgun License Law.⁵ The bill does not include a similar grant with respect to coroner's investigators.

Medical professional definitions

As used in the bill's provisions regarding tactical medical professionals:

- "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 4723.⁶

³ R.C. 109.71(I), and R.C. 313.05, not in the bill, by reference.

⁴ R.C. 109.771(B).

⁵ 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.

⁶ R.C. 109.71(G).



- "Physician" means a person who is licensed pursuant to R.C. Chapter 4731. to practice medicine and surgery or osteopathic medicine and surgery.⁷
- "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 4765.⁸

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 and coroner's investigators

The bill requires the Ohio Attorney General (the AG) to adopt rules governing the training of tactical medical professionals and coroner's investigators 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 (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).⁹

The rules also must include all of the following:¹⁰

- A requirement that the tactical medical professional or coroner's investigator receive firearms training through a program approved by the OPOTC;
- A requirement that the tactical medical professional or coroner's investigator 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

⁷ R.C. 109.71(H).

⁸ R.C. 109.71(F).

⁹ R.C. 109.748.

¹⁰ R.C. 109.748(A).



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 and coroner's investigators 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 and coroner's investigators upon their satisfactory completion of the training program.¹¹

Ohio Peace Officer Training Commission to recommend training rules

The bill requires the OPOTC (a division in the office of the AG)¹² to recommend rules to the AG with respect to permitting tactical medical professionals and coroner's investigators to attend an approved peace officer training school, including the OPOTA, to receive training that qualifies a tactical medical professional or coroner's investigator 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 Attorney General to adopt training rules for tactical medical professionals and coroner's investigators,**" above.¹³

Certification as a tactical medical professional or coroner's investigator

The OPOTC's Executive Director is given the duty to certify, and to issue appropriate certificates to, the tactical medical professionals and coroner's investigators who have satisfactorily completed an approved training program that qualifies the professional or investigator to carry firearms while on duty under the bill's "**General authority**" described above.¹⁴

The bill requires the OPOTA to permit tactical medical professionals and coroner's investigators to attend training courses at the OPOTA that are designed to qualify the professionals and investigators to carry firearms while on duty under the

¹¹ R.C. 109.748(B).

¹² R.C. 109.71.

¹³ R.C. 109.73(A)(13) and (14).

¹⁴ R.C. 109.75(M) and 109.79(A).



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 and coroner's investigators.**" The law enforcement agency served by the tactical medical professional who attends the OPOTA or the county coroner served by the coroner's investigator who attends the OPOTA is permitted to pay the tuition costs of the professional or investigator.¹⁵

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 and coroner's investigators to the list of persons who, if authorized to carry firearms in the course of their official duties, are required to complete an annual firearms requalification program.¹⁶

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	---

H0079-RS-132.docx/ts

¹⁵ R.C. 109.79(A).

¹⁶ R.C. 109.801(A).

