

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 192**

**REPRESENTATIVES Callender, Willamowski, Brinkman, Seaver, Lendrum,  
Roman, Young, Collier, Williams, Reidelbach, Gilb, Evans, Calvert, Schmidt,  
Carmichael, Schaffer, Latta, Fessler, Husted, Grendell, Faber, Buehrer, Core,  
Bocchieri, Clancy, Womer Benjamin, Aslanides, Distel, Setzer, Carano,  
Webster, Manning, Flowers, Peterson, Metzger, Blasdel, Hoops, Cates, Raga,  
Wolpert, Coates, Widowfield, DeWine, Hagan, Niehaus  
SENATORS Jacobson, Wachtmann, Jordan, Blessing, Hottinger, DiDonato,  
Nein, Carnes, Harris, Shoemaker, Mumper**

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**A B I L L**

To enact section 2305.401 of the Revised Code as a 1  
general law to provide a qualified immunity from 2  
civil liability and injunctive relief to members of 3  
the firearms industry. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2305.401 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 2305.401.** (A) As used in this section: 7

(1) "Ammunition" means any projectile capable of being 8  
expelled or propelled from a firearm by the action of an explosive 9  
or combustible propellant. 10

(2) "Firearm" has the same meaning as in section 2923.11 of 11  
the Revised Code. 12

(3) Except as provided in division (C)(2) of this section, 13  
"harm" means injury, death, or loss to person or property. 14

(4) "Member of the firearms industry" means any manufacturer, 15  
dealer, or importer of firearms, firearms components, or firearms 16  
ammunition or any trade association the members of which, in whole 17  
or in part, are manufacturers, dealers, or importers of firearms, 18  
firearms components, or firearms ammunition. 19

(5) "Person" has the same meaning as in section 1.59 of the 21  
Revised Code and additionally includes all governmental entities. 22

(6) "Tort action" means a civil action for damages for 23  
injury, death, or loss to person or property other than a civil 24  
action for damages for a breach of contract or another agreement 25  
between persons. 26

(B)(1) Except as provided in divisions (B)(2) and (3) of this 27  
section and subject to division (C) of this section, a member of 28  
the firearms industry is not liable in damages in, and is not 29  
subject to a grant of injunctive relief in, a tort or other civil 30  
action for harm allegedly sustained by any person as a result of 31  
the operation or discharge of a firearm. Except as provided in 32  
divisions (B)(2) and (3) of this section and subject to division 33  
(C) of this section, a person who allegedly sustains harm as a 34  
result of the operation or discharge of a firearm or that person's 35  
personal representative does not have a claim for relief against, 36  
and may not recover damages or injunctive relief in a tort or 37  
other civil action against, a member of the firearms industry 38  
based upon that harm. 39

(2) A member of the firearms industry forfeits the immunity 40  
from civil liability and injunctive relief conferred by division 41  
(B)(1) of this section if the member of the firearms industry 42  
operates or discharges the firearm that results in the harm that 43

is the basis of the claim for relief in the tort or other civil  
action in a manner that constitutes negligence, willful or wanton  
misconduct, or intentionally tortious conduct or that constitutes  
a criminal violation of law.

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(3) A member of the firearms industry forfeits the immunity  
from civil liability and injunctive relief conferred by division  
(B)(1) of this section if the member of the firearms industry  
sells, lends, gives, or furnishes to any person, in violation of  
section 2923.20 or 2923.21 or another section of the Revised Code  
or in violation of federal law, the firearm that results in the  
harm that is the basis of the claim for relief in the tort or  
other civil action.

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(C)(1) This section does not create a new cause of action or  
substantive legal right against a member of the firearms industry.

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(2) This section does not limit the availability against a  
member of the firearms industry of a civil action that seeks  
damages for harm and that is based on a product liability claim  
authorized by Chapter 2307. of the Revised Code. As used in this  
division, "harm" and "product liability claim" have the same  
meanings as in section 2307.71 of the Revised Code.

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(3) This section does not limit the availability against a  
member of the firearms industry of a civil action for a breach of  
an express provision of a contract or of another agreement between  
persons, or a civil action for a breach of an express warranty,  
pertaining to firearms, firearms components, or firearms  
ammunition.

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