



Buckeye Firearms Association

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Ohio License Holders Helplessly Confused by Liquor Premises Statute!!! Even Division of Liquor Control Declines to Express Opinion!

Issue: Ohio's statute dealing with firearms in liquor establishments is archaic and was drafted prior to widespread, licensed concealed carry. As a result of this older drafting, the statute applies in many situations that were not intended.

Impact: All firearm owners, but predominantly hunters, sport shooters and concealed carry licensees.

Specifics: Ohio's gun/liquor statute, Revised Code § 2923.121, was written to ban firearms in bars. The language that was used unfortunately results in the statute having far broader application than was intended. Specifically, the language used in R.C. § 2923.121 is "*No person shall possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued...*" "Dispensed" is not defined in this statute, but the statute as a whole was obviously intended to cover facilities where liquor is being "poured" or "consumed." Unfortunately, the one definition of "dispense" that most of the Revised Code defers to is contained in R.C. 3719.01(E), which provides "***Dispense means to sell, leave with, give away, dispose of, or deliver.***" A simple exercise in substitution for the language in R.C. § 2923.121 above yields "No person shall possess a firearm in any room in which liquor is being sold for which a D permit has been issued." It is the unavoidable result that Ohio's statute, as currently written, applies to any facility with a class D license that sells liquor: a corner carryout, a bait shop with Sunday sales, a Kroger store, a Pizza Hut, a Donatos Pizza and many other facilities that the unwary would have no reason to believe were covered. This is not what was intended by the statute. Just think of a Super Walmart, liquor sales (but not consumption) and gun sales under one roof, both licensed by two different government agencies yet prohibited by the plain wording of this statute.

Action Needed: R.C. 2923.121 should be amended to reflect what was intended – prohibiting firearms in pure bars, someplace that derives most of its income from alcohol sales. In the alternative, a large portion of states nationwide are simply doing away with the facility bans and instead focusing on prohibiting alcohol consumption by any person who possesses a firearm, or prohibiting that person from being under the influence of alcohol.

Sample legislation fixing this problem is available to aid LSC in drafting. Contact Ken Hanson Esq., 740-215-6433 to obtain specimen language.