

As Introduced

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H. B. No. 315

Representatives Morgan, Martin

**Cosponsors: Representatives Adams, J., Adams, R., Boose, Combs,
Derickson, Evans, Hall, Hite, Huffman, Jordan, Mandel, Mecklenborg, Ruhl,
Uecker, Wachtmann**

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A B I L L

To enact section 2923.26 of the Revised Code to 1
provide that ammunition, firearms, and firearm 2
accessories that are manufactured and remain in 3
Ohio are not subject to federal laws and 4
regulations derived under Congress' authority to 5
regulate interstate commerce and to require the 6
words "Made in Ohio" be stamped on a central 7
metallic part of any firearm manufactured and sold 8
in Ohio. 9

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

Section 1. That section 2923.26 of the Revised Code be 10
enacted to read as follows: 11

Sec. 2923.26. (A) As used in this section: 12

(1) "Firearm" has the same meaning as in section 2923.11 of 13
the Revised Code. 14

(2) "Firearm accessories" means items that are used in 15
conjunction with or mounted upon a firearm but are not essential 16

to the basic function of the firearm, including, but not limited 17
to, telescopic or laser sights, magazines, flash or sound 18
suppressors, folding or aftermarket stocks and grips, 19
speedloaders, ammunition carriers, and lights for target 20
illumination. 21

(3) "Generic or insignificant parts" includes, but is not 22
limited to, springs, screws, nuts, and pins. 23

(4) "Manufactured" means created for functional usefulness 24
from basic materials through forging, casting, machining, or other 25
processes for working materials. 26

(B)(1) The general assembly declares that a personal firearm, 27
firearm accessory, or ammunition that is manufactured commercially 28
or privately in this state and that remains within this state is 29
not subject to federal laws, rules, or regulations governing 30
interstate commerce, including, but not limited to, federal laws, 31
rules, and regulations governing the registration of firearms, 32
firearm accessories, or ammunition. The general assembly declares 33
that ammunition, firearms, and firearm accessories that are 34
manufactured commercially or privately in this state and that 35
remain within this state have not travelled in interstate 36
commerce. Except as provided in division (C) of this section, this 37
section applies to ammunition, firearms, and firearm accessories 38
that are manufactured in this state from basic materials and that 39
can be manufactured without the inclusion of any significant parts 40
imported from another state. 41

(2) The general assembly declares that generic and 42
insignificant parts that have other manufacturing or consumer 43
product applications are not firearms, firearm accessories, or 44
ammunition and that the importation of generic and insignificant 45
parts into this state and their incorporation into a firearm, 46
firearm accessory, or ammunition manufactured in this state does 47
not subject the firearm, firearm accessory, or ammunition to 48

federal regulation. The general assembly declares that basic 49
materials, including, but not limited to, unmachined steel and 50
unshaped wood, are not firearms, firearm accessories, or 51
ammunition and are not subject to the authority of the congress of 52
the United States to regulate firearms, firearms accessories, and 53
ammunition. The authority of the congress of the United States to 54
regulate interstate commerce in basic materials does not include 55
the authority to regulate firearms, firearms accessories, and 56
ammunition made in this state from basic materials. The general 57
assembly declares that firearm accessories that are imported into 58
this state from another state and that are subject to federal 59
laws, rules, and regulations as items in interstate commerce do 60
not subject a firearm to federal laws, rules, and regulations 61
under interstate commerce because the firearm accessory is 62
attached to or used in conjunction with a firearm in this state. 63

(C) Division (B) of this section does not apply to any of the 64
following: 65

(1) A firearm that cannot be carried and used by one person; 66

(2) A firearm that has a bore diameter greater than one and 67
one-half inches and that uses smokeless powder, rather than black 68
powder, as a propellant; 69

(3) Ammunition with a projectile that explodes using an 70
explosion of chemical energy after the projectile leaves the 71
firearm; 72

(4) A firearm that discharges two or more projectiles with 73
one activation of the trigger or other firing device. 74

(D) A firearm manufactured in this state shall have the words 75
"Made in Ohio" clearly stamped on a central metallic part of the 76
firearm, such as the receiver or frame. 77

(E) The general assembly declares the state's authority to 78
enact this section is based on the following constitutional 79

provisions: 80

(1) The Tenth Amendment to the United States Constitution 81
guarantees to the states and their people all powers not granted 82
to the federal government elsewhere in the constitution and 83
reserves to the state and people of Ohio certain powers as they 84
were understood at the time that Ohio was admitted to statehood in 85
1803. The guarantee of those powers is a matter of contract 86
between the state and people of Ohio and the United States as of 87
the time that the compact with the United States was agreed upon 88
and adopted by Ohio and the United States in 1803. 89

(2) The Ninth Amendment to the United States Constitution 90
guarantees to the people the rights not granted in the 91
constitution and reserves to the people of Ohio certain rights as 92
they were understood at the time that Ohio was admitted to 93
statehood in 1803. The guaranty of those rights is a matter of 94
contract between the state and people of Ohio and the United 95
States as of the time that the compact with the United States was 96
agreed upon and adopted by Ohio and the United States in 1803. 97

(3) The regulation of intrastate commerce is vested in the 98
states under the Ninth and Tenth Amendments to the United States 99
Constitution, particularly if not expressly preempted by federal 100
law. The congress of the United States has not expressly preempted 101
state regulation of intrastate commerce pertaining to the 102
manufacture on an intrastate basis of firearms, firearm 103
accessories, and ammunition. 104

(4) The Second Amendment to the United States Constitution 105
reserves to the people the right to keep and bear arms as that 106
right was understood at the time that Ohio was admitted to 107
statehood in 1803, and the guaranty of the right is a matter of 108
contract between the state and people of Ohio and the United 109
States as of the time that the compact with the United States was 110
agreed upon and adopted by Ohio and the United States in 1803. 111

(5) Section 4 of Article I of the Ohio Constitution clearly 112
secures to Ohio citizens, and prohibits government interference 113
with, the right of individual Ohio citizens to bear arms. 114