

CALIFORNIA LAW UPDATE: CHANGES TO FIREARM LAWS FOR ASSISTED LIVING FACILITIES

On October 12, 2019, Governor Gavin Newsom signed California Senate Bill 172 into **law** ("Act"). The Act, known as the "Keep Our Seniors Safe Act," makes changes to California's Health and Safety Code by adding firearm storage requirements for firearms that are held by California residential care facilities for the elderly, more commonly known as assisted living facilities or RCFEs ("facility").

Key provisions under the Act regarding firearms and ammunition include:

- Facilities are not required to allow firearms in the facility;
- Facilities that allow firearms in the facility must take certain actions; and
- Facilities that allow ammunition in the facility must take certain actions.

KEY DEFINITIONS

"Firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion, including the frame or receiver of the device.

"Ammunition" means one or more loaded cartridges consisting of a primed case, propellant and with one or more projectiles. "Ammunition" does not include blanks.

FACILITIES ARE NOT REQUIRED TO ALLOW FIREARMS IN THE FACILITY

Under the Act, facilities are not required to allow firearms in the facility. The Act does not require a facility to accept, store or retain firearms or ammunition.

FACILITIES THAT ALLOW FIREARMS IN THE FACILITY MUST TAKE CERTAIN ACTIONS

Facilities that permit residents to possess firearms on the facility premises shall do all of the following:

- Accept and centrally store a resident's firearm, ammunition or both.
- Retain and centrally store a licensee's firearm, ammunition or both.
- Resident's and facility's firearms, ammunition or both shall be centrally stored in the facility and in the following manner:
 - Firearms shall be centrally stored and unloaded in a locked gun safe that meets the regulatory standards established by the California Department of Justice.

FACILITIES THAT ALLOW AMMUNITION IN THE FACILITY MUST TAKE CERTAIN ACTIONS

The Act requires that the facility ammunition shall be centrally stored separately in a locked location different from firearms.

REGULATIONS TO BE ISSUED

The Act calls for the promulgation of regulations prescribing the procedures for a firearm and ammunition to be centrally stored in a locked gun safe within any of those facilities if the facility permits licensees, residents or clients to possess firearms on its premises.

PRACTICAL TAKEAWAYS

California residential care facilities for the elderly operators need to:

- Review their firearm policies and procedures to ensure compliance with the new law; and
- Ensure all staff are educated on the new requirements of the law.

If you have questions or would like additional information about this topic, please contact:

- Sean Fahey at (317) 977-1472 or sfahey@hallrender.com;
- Todd Selby at (317) 977-1440 or tselby@hallrender.com;
- Brian Jent at (317) 977-1402 or bjent@hallrender.com; or
- Your regular Hall Render attorney.

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