

## What Texas Employers Need to Know Regarding the Open Carry Law

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***This blog was co-authored by AJ Johnson and Trent Rexing.***

The New Year brought new law to Texas making it the 45th state to allow some form of open carry of handguns. On January 1, 2016, new law went into effect allowing Texans who hold a concealed handgun license (“CHL”) to openly carry their handguns in public. The new law effectively allows licensed individuals to openly carry their firearms in many of the same places they could with their CHL, with a few minor exceptions. As with all new law, many employers are left wondering how it will affect their business and the workplace.

Despite the fact that CHL holders can now lawfully open carry their firearms, employers and business owners can still prohibit firearms in the workplace. In order to do so, employers must display specific, statutorily prescribed notices. The notice must be placed on a card or other document or otherwise displayed on a sign that is clearly visible to the public and located at each entrance to the property. The statutory language must appear in English and Spanish, in contrasting colors, and with block letters at least one inch in height.

To prohibit concealed carry on the premises of a business, the following language must be used to effectively provide notice:

*Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.*

A typical sign under Texas Penal Code §30.06 looks like this:

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To prohibit open carry on the premises of a business, the following language must be used to effectively provide notice:

*Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.*

A typical sign under Texas Penal Code §30.07 looks like this:

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Both signs must be posted to effectively prohibit the open carry of firearms on one's premises. Businesses have some freedom as to titles and logos, if any are desired. Thus, it is up to the business owner how titles and graphics will appear.

Employers must also be aware that the new open carry law does not affect previously enacted law that restricts them from prohibiting or punishing licensed employees who are transporting or storing firearms or ammunition in the employees' privately-owned, locked car.

Employers who wish to prohibit the open carrying of firearms should ensure proper signage —meeting the statute's requirements—is posted; and ensure the employers' policies regarding firearms are effectively documented and communicated to employees.

Given the stringent statutory requirements for the necessary signage, it is wise for business owners to seek legal counsel if they wish to effectively prohibit the open carry of firearms in their businesses.

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