



Gun Violence and Public Health

CCLHO Semi-Annual Meeting
October 25, 2014

The Gun Violence Epidemic

30,500 lives lost each year:

11,000 homicides, 19,000 suicides
500 unintentional shootings

75,000 gun-related injuries

62 mass shootings in the last 30 years

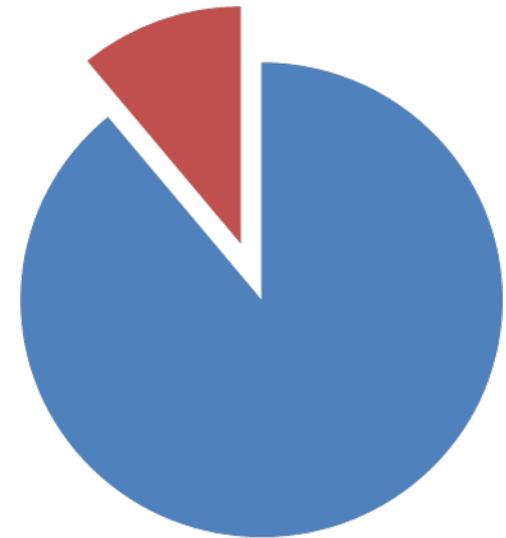


Since 1968, **1.3 million** Americans have died from gun violence. That is more than from ALL wars in American history combined

Since Newtown, over **3,700** American lives lost (equivalent of 140 more Newtown shootings)

Dangers of Guns in the Home: Unintentional Shooting

Eighty-nine percent of unintentional shooting deaths of children occur in the home and most of these deaths occur when children are playing with a loaded gun in their parents' absence.



Guohua Li et al., *Factors Associated with the Intent of Firearm-Related Injuries in Pediatric Trauma Patients*, 150 ARCHIVES OF PEDIATRIC & ADOLESCENT MED. 1160, 1162(1996).

Dangers of Guns in the Home: Unintentional Shooting

Approximately one of three handguns is kept loaded and unlocked and most children know where their parents keep their guns.

In one 2006 study, 73 percent of children under age 10 reported knowing the location of their parents' firearms, and 36 percent admitted they had handled the weapons.

Philip J. Cook & Jens Ludwig, U.S. Dep't of Justice, Nat'l Inst. of Justice, *Guns in America: National Survey on Private Ownership and Use of Firearms*, at 7 (1997)

Frances Baxley & Matthew Miller, *Parental Misperceptions About Children and Firearms*, 160 ARCHIVES OF PEDIATRIC & ADOLESCENT MED. 542, 544 (2006).



Dangers of Guns in the Home: Unintentional Shooting

People who die from accidental shootings are more than three times as likely to have a gun in their home.

Douglas J. Wiebe, *Firearms in U.S. Homes as a Risk Factor for Unintentional Gunshot Fatality*, 35 ACCIDENT ANALYSIS & PREVENTION 711, 713-14 (2003).

Dangers of Guns in the Home: Unintentional Shooting

Firearm injuries are the cause of death of 18 children and young adults each day in the U.S.

Nat'l Ctr. for Injury Prevention & Control, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS) Injury Mortality Reports, 1999-2010, for National, Regional, and States* (Sept. 2012)

Dangers of Guns in the Home: Unintentional Shooting

Compared to states with the fewest guns, states with the most guns have, on average, nine times the rate of unintentional firearm deaths

Matthew Miller et al., *Firearm Availability and Unintentional Firearm Deaths*, 33 ACCIDENT ANALYSIS & PREVENTION 477, 477 (2001).

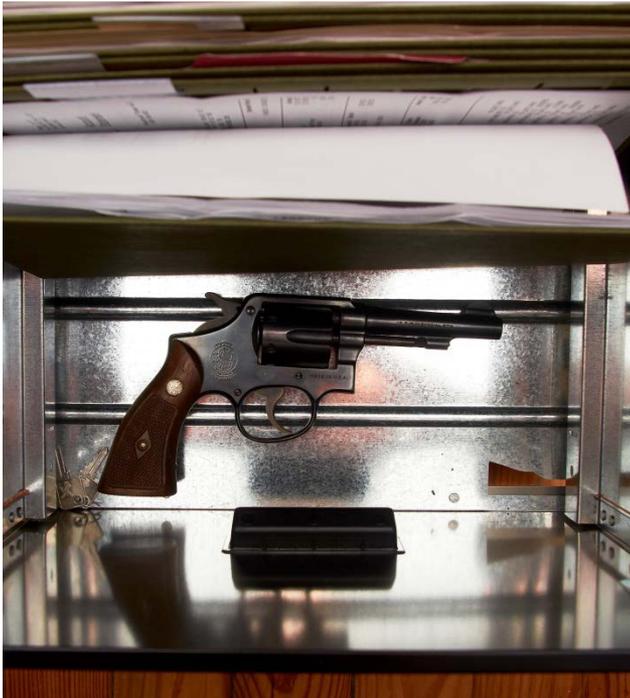


Dangers of Guns in the Home: Suicide

Homes in which a suicide had occurred were 4.8 times more likely to contain a firearm than similarly situated neighborhood homes that had not experienced a suicide.

Arthur L. Kellermann et al., *Suicide in the Home in Relation to Gun Ownership*, 327 NEW ENG. J.MED. 467 (1992)

Dangers of Guns in the Home: Suicide



Suicide rates are higher in states with higher rates of household firearm ownership.

Fotios C. Papadopoulos et al., *Preventing Suicide and Homicide in the United States: The Potential Benefit in Human Lives*, 169 *PSYCHIATRY RESEARCH* 154 (2009); Matthew Miller et al., *Household Firearm Ownership and Suicide Rates in the United States*, 13 *EPIDEMIOLOGY* 517 (2002).

Dangers of Guns in the Home: Suicide

90 percent of suicide attempts with a firearm, if serious enough to require hospital treatment, result in death.

Suicide attempts by jumping carry a 34 percent fatality rate; suicide attempts by drug poisoning carry a two percent fatality rate.

Matthew Miller et al., *The Epidemiology of Case Fatality Rates for Suicide in the Northeast*, 43 ANNALS OF EMERGENCY MED. 723, 726 (2004).

Dangers of Guns in the Home: Suicide

More than 75 percent of guns used by youth in suicide attempts and unintentional injuries were kept in the home of the victim, a relative, or a friend.

David C. Grossman et al., *Self-Inflicted and Unintentional Firearm Injuries Among Children and Adolescents: The Source of the Firearm*, 153 ARCHIVES OF PEDIATRIC & ADOLESCENT MED. 875, 875 (1999)



Dangers of Guns in the Home: Domestic Violence

Women in the United States are murdered by intimate partners or former partners approximately nine times more often than they are murdered by strangers.

Jacquelyn C. Campbell et al., *Intimate Partner Homicide: Review and Implications of Research and Policy*, 8 TRAUMA, VIOLENCE, & ABUSE 246, 247 (2007)

Dangers of Guns in the Home: Domestic Violence

An abusive partner's access to a firearm increases the risk of homicide eightfold for women in physically abusive relationships.

Domestic violence incidents involving firearms are twelve times more likely to result in a death compared to non-firearm abuse incidents.

Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, 93 AM. J. OF PUB. HEALTH 1089, 1092 (2003)

Shannon Frattaroli & Jon S. Vernick, *Separating Batterers and Guns: A Review and Analysis of Gun Removal Laws in 50 States*, 30 EVALUATION REV. 296, 297 (2006)

Doctors Can Make a Difference

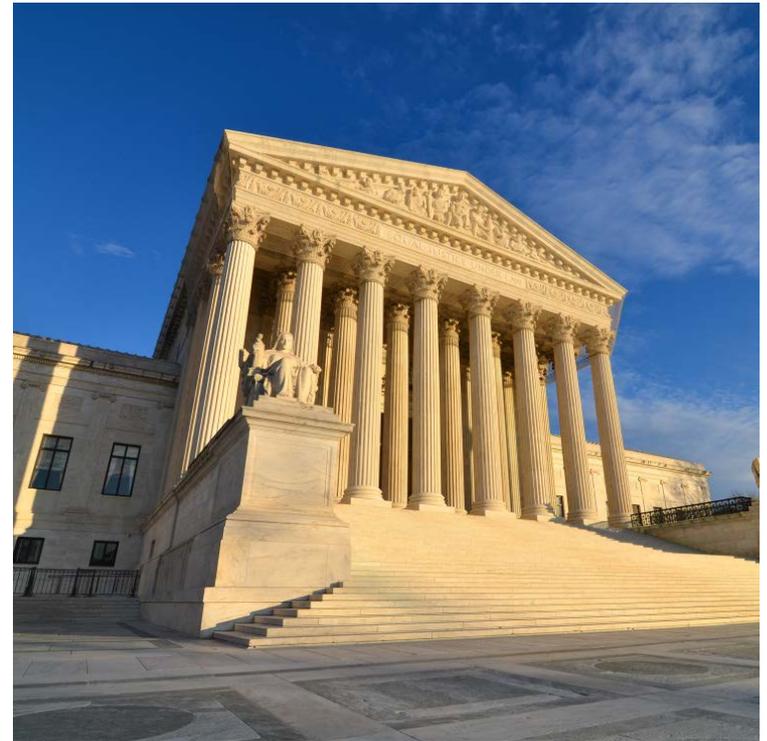


A study on firearm storage counseling by family physicians found that 64 percent of participants who received verbal firearm storage safety counseling from their doctors improved their gun safety by the end of the study.

Teresa L. Albright & Sandra K. Burge, *Improving Firearm Storage Habits: Impact of Brief Office Counseling by Family Physicians*, 16 J. OF THE AM. BD. OF FAMILY PRACTICE 40, 40 (2003)

The Second Amendment

- In the 2008 *Heller* decision, the U.S. Supreme Court held for the first time that the Second Amendment protects a law-abiding, responsible citizen's right to possess a handgun in the home for self-defense.
- In the 2010 *McDonald* decision, the Supreme Court held that the Second Amendment also limits state and local action.
- This means that laws that absolutely ban handguns in the home for self-defense are invalid.



The Second Amendment Does Not Prohibit Reasonable Gun Laws



“Not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

Categories of laws that are “presumptively lawful”:

- Restricting access by felons or the mentally ill;
- Prohibiting guns in “sensitive” places; and,
- Imposing “conditions and qualifications” on the commercial sale of guns

The Court also confirmed the validity of laws banning “dangerous and unusual weapons,” such as military-style firearms, and “laws regulating the storage of firearms to prevent accidents.”

Trends in Second Amendment Litigation

Guns in Public:

Most states require a permit in order to carry a concealed handgun in public places.

In most states, a permit *must* be issued if an applicant meets minimum qualifications.

In other states, like CA and NY, law enforcement *may* issue a permit only if an individual has shown “good cause.”

Courts have upheld “good cause” requirements.



Federal Framework

- **Federal law** sets out categories of persons prohibited from purchasing firearms and requires licensing of gun dealers.
- **Brady Act (1993)** requires background checks on firearm transfers by licensed dealers.
- **Bureau of Alcohol, Tobacco and Firearms (ATF)** enforces gun laws regarding purchase and sale.



Major Gaps in Federal Gun Policy



The “private sale loophole” is estimated to be 40% of all gun transfers, in which there is no background check on transfers by unlicensed sellers.

More Gaps in Federal Law



- No licensing or registration of gun owners
- No limit on the number of firearms that may be purchased
- No waiting period
- No penalties for trafficking
- No regulation of ammunition sales
- Limited resources for ATF

More Gaps in Federal Law

No federal design safety standards for firearms

- The gun industry is exempt from the Consumer Product Safety Act

No requirement that gun owners store their weapons safely

Industry immune from civil lawsuits



Assault Weapons Bans

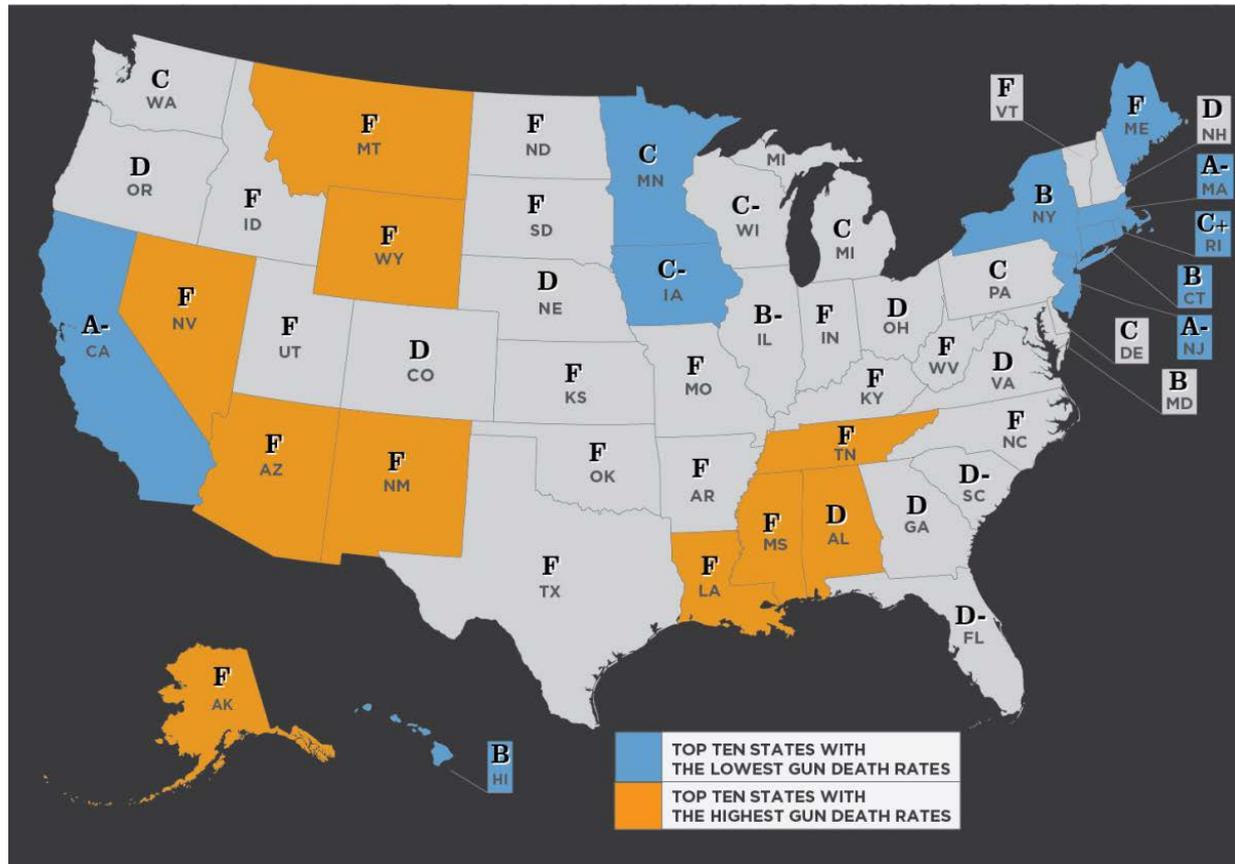


Federal: 1994-2004

- Also prohibited large capacity ammunition magazines (LCMs)
- Military-style weapons

When assault weapons or large capacity ammunition magazines are used: 135% more people are shot and 57% more killed

Gun Laws Matter



Our study shows that state gun laws are extremely important to keeping communities safe.

Many of the states with the strongest gun laws also have the lowest gun death rates nationwide.

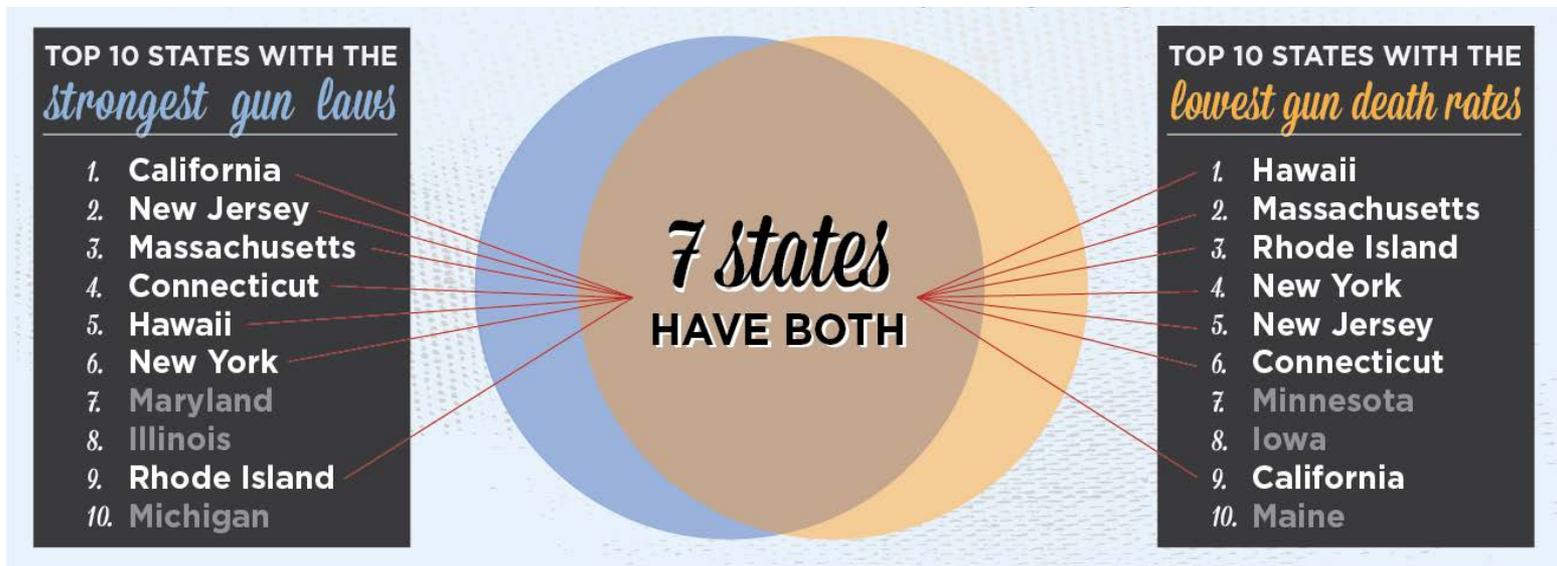
Conversely, many states with the weakest gun laws have the highest gun death rates.

We Can Support Common Sense Gun Laws

Smart Gun Laws Are Associated With Reduced Gun Violence

- Studies show that states with stronger gun laws generally have fewer gun-related deaths

In 2012, the Law Center graded each state based on the strength of its gun laws and found the following correlations:



Key Federal and State Legislation

Universal Background Checks

- Under consideration in Congress.
- 17 states have extended the background check requirement beyond federal law to at least some private sales.
- Just this year, CO, CT, DE, and NY strengthened their laws.

Assault Weapons Bans

- Seven states ban specific weapons or semi-automatic rifles with certain military features.
- CT, MD, and NY strengthened their laws this year.

Large Capacity Magazine Bans

- Eight states restrict large capacity magazines.
- CO and CT added new laws this year, and NY strengthened its law.

The California Model

Gun Death Rates in California and the Nation

Gun violence is not a problem without solutions.

We know what works, we've seen the difference it has made in California, and we are already seeing the same success in states around the country.



The California Model

Over the past twenty years California has enacted a variety of smart gun laws including laws to;



- Require background checks on all gun sales
- Improve eligibility standards
- Ban assault weapons and large capacity ammunition magazines
- Limit gun purchases to one gun per month
- Require 10-day waiting period
- Implement strong design safety standards on guns
- Maintain records of gun and ammo sales
- Ensure dealers are licensed

Public Opinion

Polls consistently show that a majority of Americans, including gun owners, support a variety of stronger gun laws.

- More than 85% support universal background checks
- More than 60% support bans on military style weapons



We Can Push to Increase Funding to Study The Problem of Gun Violence

Laws supported by the NRA have prevented the CDC from funding research into the causes of gun violence.

- Total number of deaths caused by Cholera, Diphtheria, Polio, and Rabies in the US from 1973-2012: 2,068
 - Total number of National Institutes of Health (NIH) major research grants to study these diseases: **486**
- Total number of deaths caused by firearms in the US from 1973-2012: more than 1,500,000
 - Total number of NIH major research grants to study gun violence: **3**

Florida Physicians Gag Law

In 2011, Florida Representative Jason Brodeur introduced an NRA-sponsored bill that would have made health care practitioners who inquired into gun ownership guilty of a felony.

The bill contained penalties of up to five years in prison and a fine up to \$5 million.

Florida Physicians Gag Law

The bill was watered down significantly and was ultimately signed by Governor Rick Scott and went into effect on June 2, 2011.



Florida Physicians Gag Law

The new code section, Fla. Stat. § 790.338, provides that a health care practitioner or facility:

1. May not enter any disclosed information concerning firearm ownership into a patient's medical record if the practitioner knows that it is not relevant to medical care or safety, or the safety of others;

Florida Physicians Gag Law

2. Should refrain from making a written inquiry or asking questions concerning the ownership of a firearm or ammunition by the patient or a family member, or concerning firearms in the home;

Exception: An emergency medical technician or paramedic who believes the information is necessary to treat a patient during the course and scope of a medical emergency or that the presence or possession of a firearm would pose an imminent danger or threat to the patient or others.

Florida Physicians Gag Law

3. May not discriminate against a patient based solely upon firearms ownership;

4. Should refrain from unnecessarily harassing a patient about firearm ownership during an examination.

In addition, an insurer may not deny coverage, increase any premium, or otherwise discriminate against any insured or applicant on the basis of firearm or ammunition ownership.

Florida Physicians Gag Law

Violation of the new provisions can result in disciplinary actions which can include suspension or permanent revocation of a license and a fine of up to \$10,000 for each offense.



Legal Challenge to Florida Gag Law

One month after the bill was signed into law, plaintiffs challenged the law in the U.S. District Court for the Southern District of Florida, Miami Division

Plaintiffs are six individual physicians and the Florida chapters of the

- American Academy of Pediatrics
- American Academy of Family Physicians
- American College of Physicians

The Law Center filed an amicus brief in support of plaintiffs.

Legal Challenge to Florida Gag Law

The District Court granted a permanent injunction against the law finding that it violated the First Amendment and limits “the free flow of truthful, non-misleading information within the doctor-patient relationship.

The ruling has been appealed to the Eleventh Circuit Court of appeals.

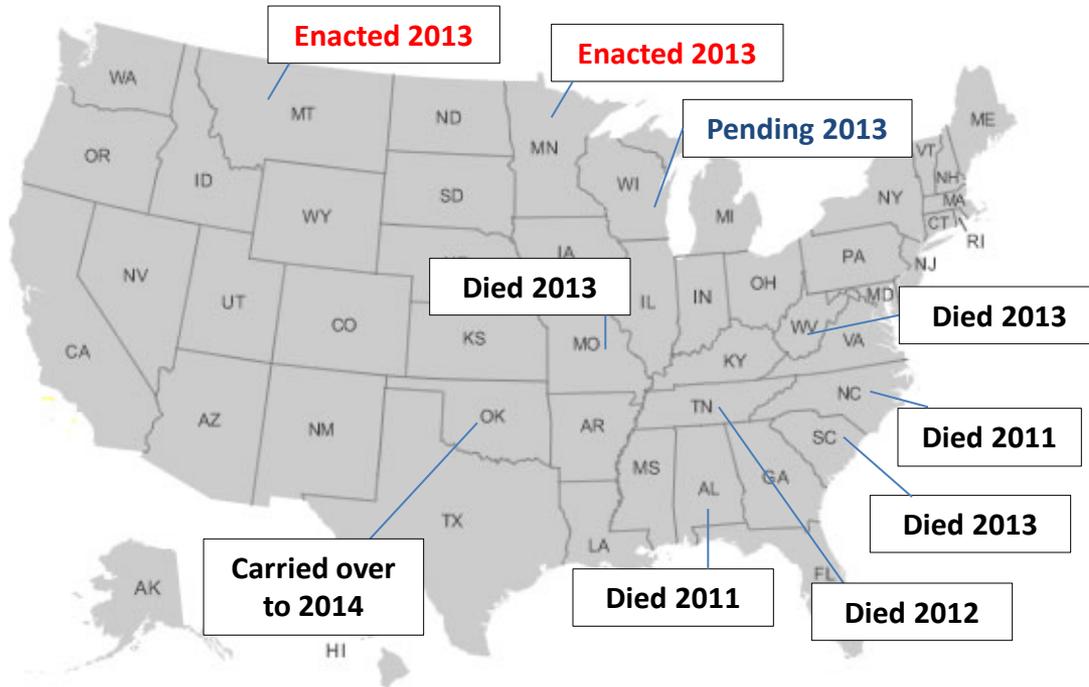


Legal Challenge to Florida Gag Law

The court stated:

“A practitioner who counsels a patient on firearm safety, even when entirely irrelevant to medical care or safety, does not affect nor interfere with the patient’s right to continue to own, possess, or use firearms.”

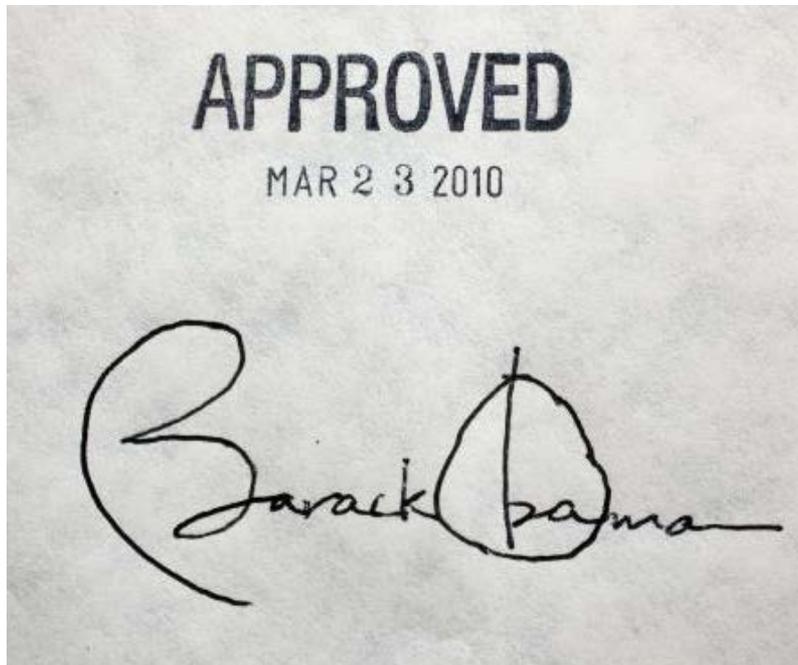
Related State Legislation



NINE OTHER STATES have introduced physician gag rule legislation in various forms since 2011.

Most bills have died. Montana and Minnesota are the only state to enact related legislation.

Federal Law



Affordable Care Act

- Disclosure of information
- Storage of information
- Use of information by insurance providers

42 U.S.C. § 300gg-17

President Obama Executive Actions

- No. 16: Requests about firearms are *not* prohibited
- No. 17: Reporting threats of violence is *not* prohibited

How We Can Work Together

- Amicus brief support
- Support or oppose legislation
- Provide technical assistance

Our website is also a great resource:

www.smartgunlaws.org

Connect through Twitter: @smartgunlaws

- Follow us, and we will share your gun violence prevention messages
- Share & retweet our content, share our resources with your following with #FridayFollow

Additional Resources

- Websites:
 - Law Center to Prevent Gun Violence:
www.smartgunlaws.org
 - Demand Action, a campaign of Mayors Against Illegal Guns:
<http://www.demandaction.org/>
- Books:
 - *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick
 - *Private Guns, Public Health*, David Hemenway