



LAW CENTER TO  
PREVENT GUN VIOLENCE

BECAUSE SMART GUN LAWS SAVE LIVES

  
NATIONAL  
PHYSICIANS  
ALLIANCE

**ADDRESSING GUN VIOLENCE TOGETHER**

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# ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE

National legal center formed by attorneys in the wake of an **assault weapon massacre** at a San Francisco law firm in **1993**

Provide expert legal analysis on gun violence prevention:

- Review and analyze **proposed gun laws** in all 50 states each year. This year, we've read, categorized and summarized nearly 1,200 bills.
- **Draft legislation** and **provide support** to federal and state legislators
- **Educate** the public via the **media** and **presentations**
- Track all **Second Amendment** and gun law litigation and **file amicus briefs** in cases of significant importance

# GUN VIOLENCE: A public health epidemic

Total gun-related deaths  
in 2013: **33,636**

Suicide: **21,000**

Homicide: **11,000**

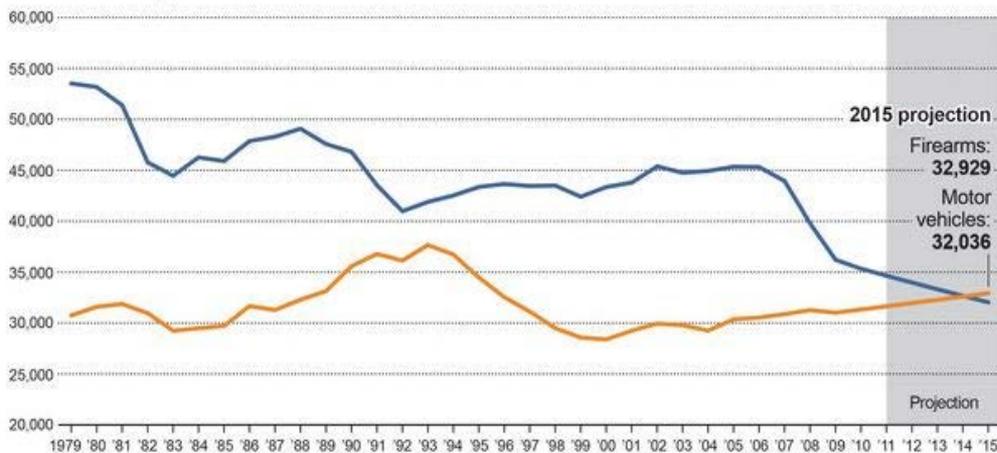
Accidental: **1,000**

Injuries: **84,258**

## Gun-Related Deaths in U.S. Set to Pass Auto Fatalities

The number of people killed by firearms in the U.S. is projected to exceed traffic fatalities for the first time by 2015.

Deaths caused by: — Motor vehicles — Firearms



Notes: Projected data from 2011 to 2015 based on 10-year average growth rate or decline. Firearm fatalities include homicides, suicides and accidents.

Source: Centers for Disease Control and Prevention data compiled by Bloomberg

Graphic: Alex Tribou  
BGOVgraphics@bloomberg.com

**Bloomberg**  
GOVERNMENT

# Cost of Gun Violence

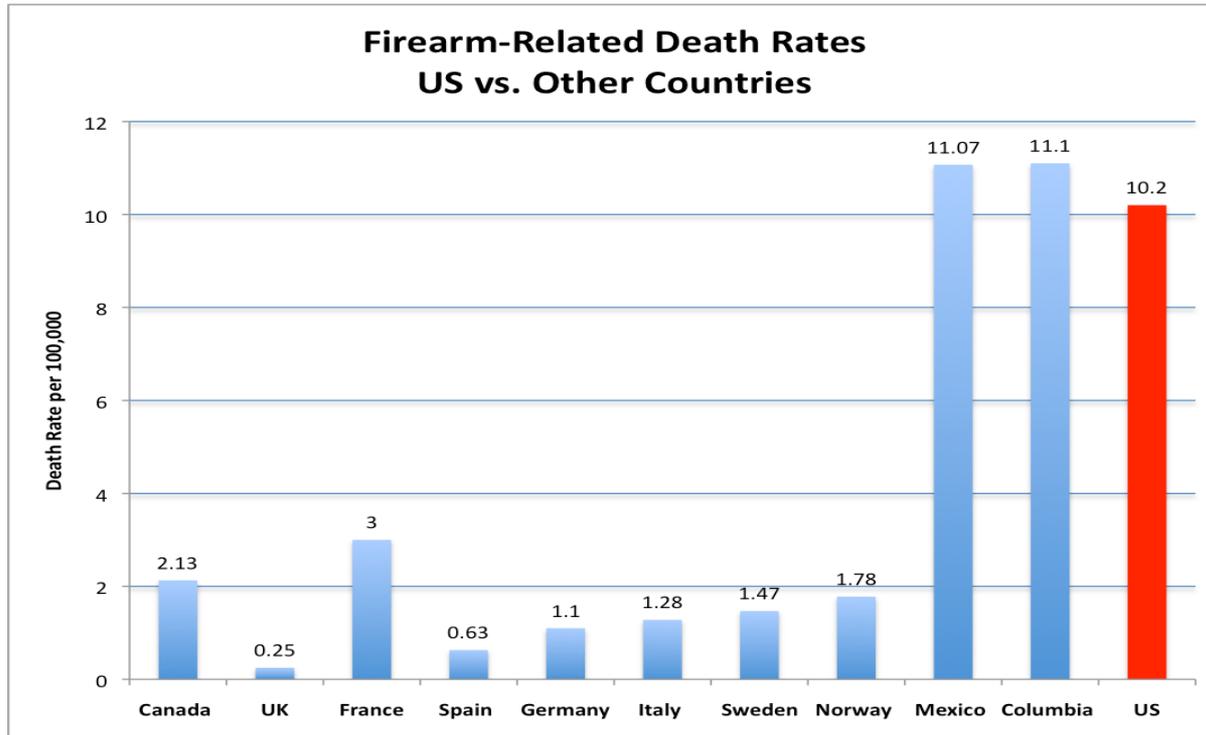


Yearly medical costs estimated at **\$2.3 billion**

The overall toll amounted to **\$174 billion in 2010**, when including work lost, medical care, pain and suffering, criminal-justice expenses and insurance

- This is according to data analyzed by the Pacific Institute for Research and Evaluation

# International Comparison



# Causes of Gun Violence

Two key factors:

1) Large number of guns:

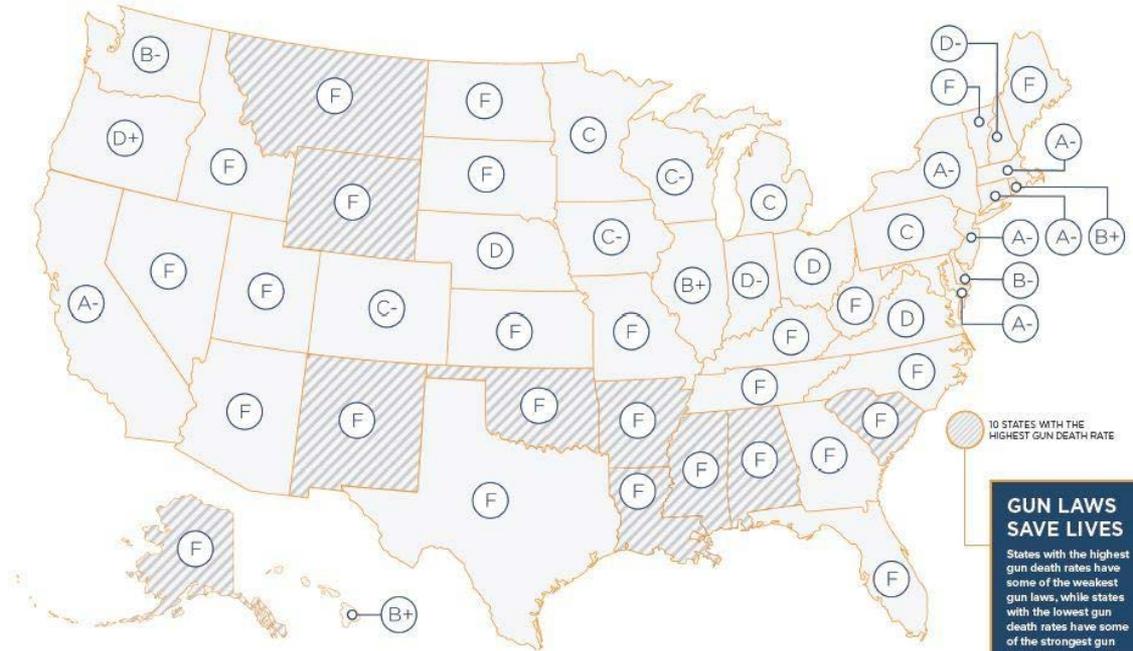
Best estimate of **270 million** to **310 million** guns in the United States — close to **one firearm for every person**



2) Relative lack of federal regulation and intelligent regulation:

- No federal law requiring **background checks on private sales**
- No licensing or registration of gun owners
- No limit on the number of firearms that may be purchased
- No waiting periods or regulation of ammunition sales
- **Weak enforcement** due to underfunded ATF
- Patchwork system of **state gun laws**. Strong gun laws work (see, Scorecard) but guns from states with weak laws flow into states with strong laws via the “**Iron Pipeline**”

# The Law Center's State Scorecard



## GUN LAWS SAVE LIVES

States with the highest gun death rates have some of the weakest gun laws, while states with the lowest gun death rates have some of the strongest gun laws. Help your state increase its gun grade and decrease its gun violence by advocating for smart gun laws today.

# Scorecard Data

Strong correlation between strong gun laws and lower level of gun violence:

- Of 10 states with **highest rate** of gun deaths, **all** receive an **“F”** grade
- 9 of the 11 states receiving a grade of **“B-”** or better are in the **top 15** states in terms of **lowest rates gun deaths** (and all are in the top 20)

We recognize that this is not causation, but the correlation is strong and other studies have confirmed this relationship



# Gun Laws: 2012 - 2014

- Since the horrific massacre at **Sandy Hook Elementary**, there has been **failure** at the federal level
- Significant momentum at **state** level
  - **99 new** laws since Newtown in **37 states** to strengthen gun regulations
  - **10 states** enacted major new gun reforms
  - Mother Jones analysis = **More than half of the country** lives in states with stronger gun laws since **Sandy Hook**
- **27 states** receive grade of **“F”**
- Only **11 states** receive a **“B-”** or better
- **2014 successes**: Passage of **background checks law** in Washington and **GVRO** in California



# 2015 State Legislation

- Thus far in 2015, Law Center attorneys have tracked nearly **1,200 firearms-related bills**
- In **19 states** and D.C., we've **drafted bills**, provided **legal analysis**, written letters and testimony **supporting or opposing** legislation
- 30 states have **adjourned** for the year so it's a good time to take a look at what's happened this year



# 2015 Legislation: Key Victories

**Background Checks:** 18 states and D.C. have currently closed the private sale loophole in some way; 7 of those states and D.C. require background checks on all private sales at the point of transfer

- **Oregon:** Closed the private sale loophole to require background checks on all unlicensed gun purchases, not only unlicensed sales at gun shows

- **Nevada:** Voted to put background checks on the ballot in 2016. Also prohibited dealers from charging a fee for an optional background check

- **Iowa:** Defeated effort by the gun lobby to repeal a law that required a background check to obtain a permit to purchase a handgun

Who supports universal background checks?



AMERICAN PUBLIC



GUN OWNERS



NRA MEMBERS

# 2015 Legislation: Key Victories

## Domestic Violence:

4 states passed laws prohibiting **domestic abusers** from purchasing or possessing firearms. Conforms state laws to federal law which is important for **enforcement**

South Carolina, Louisiana and Washington all passed laws aimed at protecting domestic violence survivors and stalking victims from gun violence



# 2015 Legislation

## Major Gun Lobby Defeats

Guns on Campus: Introduced in 16 states. Defeated in 14 so far. TX enacted but OH bill is still pending. Even in TX, advocates were able to get the bill significantly weakened

Guns in K-12 Schools: Bills have been introduced in 23 states and 15 have failed thus far

Permitless Concealed Carry: Introduced in 23 states, defeated in 14. Kansas enacted. Mississippi enacted a version. Bill pending in Maine and expected to succeed.



# Gun Laws that Affect Medical Practices: Medical Gag + Safe Storage

- **Medical gag laws:** Worst prohibit doctors from asking patients or their reps about guns in the home. Weakest tend to written lists or record keeping
- **Safe storage laws:** When doctors ask about gun storage, people change storage practices. These laws require gun owners to keep their firearms stored or locked when they are not being carried



# Gun Storage and Public Health

## Overview of the problem:

- Approximately **one of three** handguns is kept **loaded and unlocked** and most children know where their parents keep their guns
- Almost **1.7 million children** and youth under age 18 are living in homes with **loaded and unlocked firearms**
- 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**
- Children as young as **two** are strong enough **to fire handguns**. Both in Idaho and Pennsylvania, two-year olds fired handguns. One boy killed his **mother**, the other killed **himself**



# Gun Storage and Public Health

- People who die from **accidental shootings** are more than **three times** as likely to have a gun in their home
- States with the **most guns** have, on average, **nine times** the rate of **unintentional firearm deaths** than states with fewest guns
- **Suicide rates** are higher in states with higher rates of household firearm ownership and 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**
- A July 2004 study by the U.S. Secret Service and U.S. Department of Education examined **37 school shootings** from 1974-2000. In **more than 65%** of the cases, the attacker got the gun from his or **own home**, or that of a **relative**. The **Sandy Hook** shooter used his mother's guns to slaughter 6 educators and 20 first graders

# Gun Storage and Public Health

## Changing gun storage practices saves lives

- One study found **70% of unintentional child deaths** could be prevented if guns were stored locked or unloaded
- Another study found that safe storage practices have a **“protective effect”** and may assist in reducing youth suicide and unintentional injury



# Gun Storage and Public Health

## The Impact of Doctors

Doctors can counsel patients on how to prevent gun injuries by practicing safe gun storage just as they do with other foreseeable risks

### And it works.

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



# Gun Storage and Public Health

**This is great, what's the problem?**



**Medical Gag Laws**

# Issue Analysis: Medical Gag Laws

- Despite the fact that
  - Studies show **risks posed by the improper storage** of firearms in the **home**, particularly where **children** may have access
  - **Doctors' advice** regarding the **proper storage** of firearms and ammunition is heeded, and proper storage can **save lives**
- Gun lobby has steadily introduced bills to **prevent doctors** from even **talking to their patients** about this critical public safety issue
- First law of this type was in **Florida in 2011**

# Issue Analysis: Medical Gag Laws

## The Florida Law

### Doctors and healthcare workers may not:

- Make a **written inquiry** or ask **verbal questions** about whether a patient or family member has a firearm in the home
  - **Exception**: If the providers believes in good faith that the information is **relevant to the patient's medical care**, safety or the safety of others
- Enter irrelevant information about firearms into patient's medical record
- Discriminate against a patient because he or she exercises her constitutional right to own a firearm
- Harass a patient because of firearm ownership during an exam

**Violation**: Disciplinary action which may include **fines** and **suspension of medical license**



# Issue Analysis: Medical Gag Laws

## Challenging the Florida Law, the Wollschlaeger Case (“Docs v. Glocks”):

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 trial court found that the law **violated the First Amendment** and limits “the free flow of truthful, non-misleading information within the **doctor-patient relationship.**”

11<sup>th</sup> Circuit Court of Appeals reversed, finding that the law “is a **legitimate regulation of professional conduct.** . . . Good medical care does not require inquiry or record-keeping regarding firearms when unnecessary to a patient’s care.”



# Issue Analysis: Medical Gag Laws

## Strong dissent:

“Regardless of whether we agree with the message conveyed by doctors to patients about firearms, I think it is perfectly clear that **doctors have a First Amendment right to convey that message**. This Act significantly infringes upon that right...”

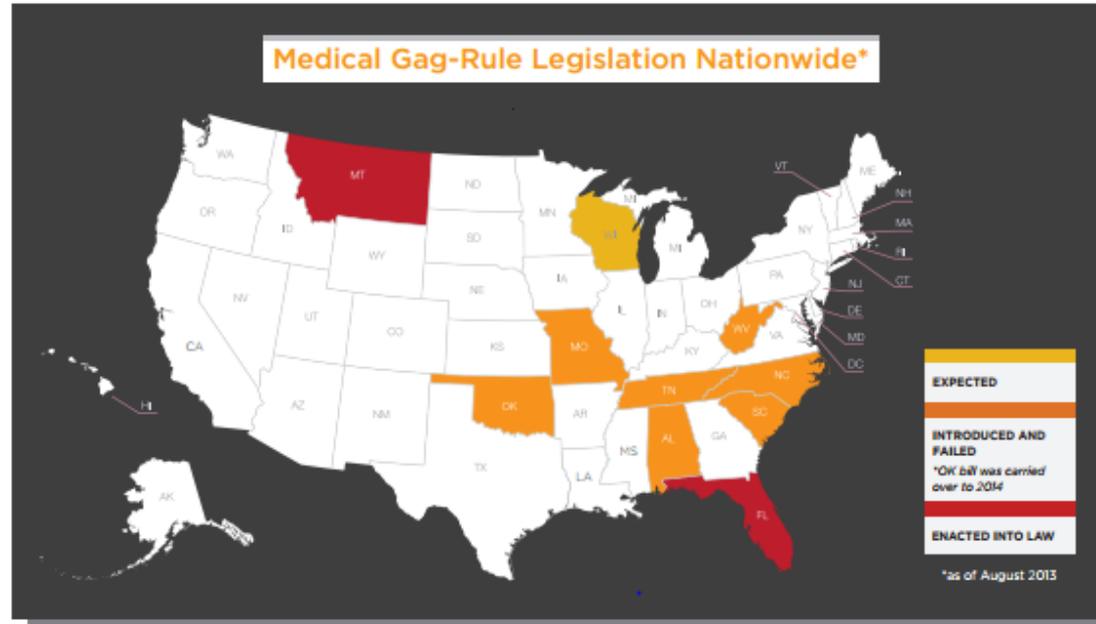
“Indeed, the record and common sense lead inexorably to the conclusion that **children will suffer fewer firearm related injuries if they—and their parents—know more about firearm safety**. But now they will know less. As a result of the Act, there is no doubt that many doctors in Florida will significantly curtail, if not altogether cease, discussions with patients about firearms and firearm safety.”

**Current Status:** En banc petition **pending** with the Eleventh Circuit

# Issue Analysis: Medical Gag Laws

Since Florida passed the “physician gag law” in 2011, at least **thirteen other states** have introduced similar legislation

Although most states have failed to enact these laws, **Montana, Missouri, and Minnesota** have enacted some version of them



# Issue Analysis: Medical Gag Laws

## 2015 Failed Medical Gag Bills

- **Indiana, North Dakota, Texas**

## 2015 Still Pending

- **North Carolina** (provision currently out, however) and **Ohio**
- **Pennsylvania** (weak version – prohibits registry maintained by health professional)

## Other states to watch in 2016:

- **Minnesota** (weak version enacted- insurance exchange can't collect info about gun ownership- but stronger one possible)
- **Oklahoma, Tennessee, West Virginia** (all introduced in 2012 and 2014)
- **Montana** (introduced in 2013)
- **South Carolina** (introduced in 2014)

# Another Way: Safe Storage Laws

- In addition to fighting **bad laws** that prohibit doctors from talking about safe storage, we champion laws that would make safe storage a requirement for gun owners
- Safe storage laws require owners to **safely store** in a locked container, or **disable**, their firearms when the firearms are **not carried** on the person
- **Massachusetts, New York City, San Francisco** and **Sunnyvale, CA** are the only jurisdictions with these laws
  - All upheld by reviewing courts
- Haven't been introduced widely in the past but in 2015, **ten states introduced safe storage laws**, and the Law Center helped draft the version in Connecticut. None have passed yet, but it is definitely progress, especially after the outcome of *Jackson v. San Francisco*

# What's Next?

## How We Can Work Together:

- Use your expertise and unique perspective to support or oppose **legislation** in your states
- Provide **technical assistance**
- **Amicus brief** support

Check our Kids and Guns toolkit issued jointly with Americans for Responsible Solutions

<http://smartgunlaws.org/kids-and-guns>

Visit our website [www.smartgunlaws.org](http://www.smartgunlaws.org) to learn more about gun violence prevention efforts

Connect through Twitter: [@smartgunlaws](https://twitter.com/smartgunlaws) and on Facebook

**Get the word out:** follow us, and we will share your gun violence prevention messages - share and retweet our content, share our resources with your following - **doctors have huge amount of respect and influence**