

DRAFT

In support of an ordinance requiring all Firearms Dealers within City limits to post a sign at all locations where firearms sales or transfers take place stating: "WARNING: Access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children, household members, or others. If you or a loved one is experiencing distress and/or depression, call the [hotline] or visit [website]."

SECTION 1. Findings:

WHEREAS according to the Centers for Disease Control and Prevention's (CDC's) Fatal Injury Reports for 2015 through 2019, on average 38,826 people die in the United States as a result of firearms every year. Of these firearm deaths, 38% (14,583) are homicides and 60% (23,437) are suicides. An additional 483 deaths annually result from unintentional shootings.¹ Firearms are the leading cause of death for children and teens in the United States;²

WHEREAS an analysis of the National Emergency Department Sample indicates that there are twice as many gun injuries as gun deaths, an average of 76,127 nonfatal firearms injuries per year in the United States;³

[Local firearm statistics]

¹ Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of most recent available data: 2015 to 2019.

²Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. Data from 2019. Children and teenagers aged 1 to 19, number of deaths by known intent (homicide, suicide, unintentional deaths). Age 0 to 1 calculated separately by the CDC because leading causes of death for newborns and infants are specific to the age group.

³ Schnippel, Kathryn, et al., *Nonfatal Firearm Injuries by Intent in the United States: 2016-2018 Hospital Discharge Records from the Healthcare Cost and Utilization Project*, 22(3) *Western Journal of Emergency Medicine: Integrating Emergency Care with Population Health* (2021). Yearly average developed using three years of data: 2016, 2017, and 2018. The three-year sum of gun injuries is 228,380 (95% CI, 71,275 to 80,979)).

WHEREAS a meta-analysis published in the *Annals of Internal Medicine*⁴ found that access to a gun doubles a person's risk of death by firearm homicide, and triples a person's risk of death by firearm suicide;

WHEREAS a study published in the *American Journal of Public Health*⁵ concluded that access to a firearm during an incident of domestic violence leads to a fivefold risk of homicide to women by their intimate partner.

WHEREAS a study published in the *American Journal of Preventive Medicine*⁶ found that higher firearm ownership rates are associated with higher domestic firearm homicide rates among both female and male victims. States in the highest quartile of firearms ownership had a 65% higher domestic firearm homicide rate than states in the lowest quartile.

WHEREAS a study published in the *American Journal of Public Health*⁷ found a positive and significant association between gun ownership and non-stranger firearm homicide rates, indicating that gun ownership is associated with an increased likelihood of being shot and killed by a family member or acquaintance.

WHEREAS a study published in the *Journal of the American Medical Association*⁸ found that households that locked both firearms and ammunition were associated with a 78% lower risk of self-inflicted firearm injuries and an 85% lower risk of unintentional firearm injuries among children, compared to those that locked neither.

⁴ Andrew Anglemeyer et al., *The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis*, 160(2) *Annals Internal Med.* 101 (2014).

⁵ Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93(7) *Am. J. Pub. Health* 1089 (2003).

⁶ A.J. Kivisto et al., *Firearm ownership and domestic versus nondomestic homicide in the U.S.*, 57(3) *Am. J. Preventative Med.* 311 (2019).

⁷ Michael Siegel et al., *The Relationship Between Gun Ownership and Stranger and Nonstranger Firearm Homicide Rates in the United States, 1981–2010*, 104(10) *Am. J. Pub. Health* 1912 (2014).

⁸ David C. Grossman et al., *Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries*, 293(6) *Journal of the American Medical Association* 707 (2005).

WHEREAS a study published in the New England Journal of Medicine⁹ of more than 26 million California residents found that women who own a handgun are 35 times more likely to die by firearm suicide than women who do not own one. Men who own a handgun are nearly 8 times more likely to die by firearm suicide than men who do not own a handgun. The study also found that the risk of firearm suicide is most pronounced in the year following a person's first acquisition of a handgun, but remains elevated for at least 12 years thereafter.

WHEREAS a study published in the Journal of the American Medical Association¹⁰ found that in King County, Washington, using data from 2011 to 2018, for every self-defense homicide, there were 44 suicides, seven criminal homicides, and one unintentional death.

WHEREAS research published in the Annals of Internal Medicine¹¹ found that only 15% of Americans believe that having a firearm in the home increases the risk of suicide, and fewer than 10% of gun owners with children believe that household firearms increase suicide risk;

WHEREAS research published in the American Journal of Preventive Medicine¹² found that nearly six-in-ten (57.6%) gun owners believe that a firearm makes their home safer, while only 2.5% believe that guns make their home more dangerous. The same study found that nearly four-in-ten (39.2%) gun owners who believe that guns increase safety store their household firearm(s) loaded and unlocked.

⁹ David M. Studdert et al., *Handgun Ownership and Suicide in California*, 383(23) N Engl. J. Med. 2220 (2020).

¹⁰ Butler, Elissa K., et al. *Risk of Suicide, Homicide, and Unintentional Firearm Deaths in the Home*. 180(6) JAMA Internal Medicine 909 (2020).

¹¹ Andrew Conner et al., *Public Opinion About the Relationship Between Firearm Availability and Suicide: Results From a National Survey*, 168(2) Annals Internal Med.153 (2018).

¹² Amanda I. Mauri et al., *Firearm Storage Practices and Risk Perceptions*, 57(6) Am. J. Preventative Med. 830 (2019).

WHEREAS research published in Injury Prevention¹³ found that people living in households with firearms misperceive their risk of firearm injury as compared to people living in households without firearms. Firearms owners, and non-owners living with firearm owners, are 60% and 46% (respectively) less likely to worry about firearm injury as compared to respondents without guns in the home, despite evidence that firearm access in the home is a strong risk factor for firearm injury.

WHEREAS a report by the Pew Research Center¹⁴ on Americans' attitudes towards firearms found that three quarters (75%) of American gun owners say they feel safer with a gun in their household than they would without a gun. The same study found that two-thirds (67%) of gun owners cite protection as a major reason for owning a gun.

WHEREAS a study published in the Russell Sage Foundation Journal of the Social Sciences¹⁵ found that almost two out of three gun owners (63%) report that a primary reason they own their gun is for protection against people. Among handgun owners, more than three quarters (76%) cite protection against people as a major reason for owning their firearm(s).

WHEREAS the firearms industry actively promotes the misleading message to gun owners and potential consumers that ownership and possession of a firearm makes a person and his or her family safer.

WHEREAS, the firearms industry's print and online media frequently cites a 25-year-old study¹⁶ estimating that Americans use firearms for self-protection approximately 2.5 million times per year. This research has been the subject of widespread criticism that it is methodologically unsound and that its conclusions do not square with

¹³ Schleimer, JP et al., *Firearm ownership and perceived risk of personal firearm injury*, Injury Prevention (2020), available at <https://injuryprevention.bmj.com/content/early/2020/09/03/injuryprev-2020-043869.long>.

¹⁴ Pew Research Center, *America's Complex Relationship With Guns: An in-depth look at the attitudes and experiences of U.S. Adults* 9, 46-48 (2017).

¹⁵ Deborah Azrael et al., *The Stock and Flow of U.S. Firearms: Results from the 2015 National Firearms Survey*, 3(5) RSF: The Russell Sage Foundation Journal of the Social Sciences 38 (2017).

¹⁶ Gary Kleck & Mark Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 Journal of Criminal Law and Criminology 1 (1995).

measurable public health outcomes such as hospital visits.¹⁷ Notwithstanding, the firearms industry uses this debunked research and a wide range of other claims in advertising and online and other promotional materials to advance a misleading narrative that defensive firearms use is widespread and that firearms are an effective means of ensuring personal safety.

WHEREAS research by Yamane *et al.*¹⁸ identified a marked increase over time in print media marketing of firearms and firearm-related products specifically for personal protection, home defense, and concealed carry. In these advertisements, firearms and related products are misleadingly marketed and portrayed as effective and/or important means of home-, family-, and/or self-defense. Yamane *et al.* concluded that this marketing strategy is not only pervasive, but is now the dominant method by which firearms and related accessories are marketed in print media to prospective purchasers.

WHEREAS the efficacy of point-of-sale messaging on consumer behavior is well known and well documented. For example, several meta-analyses¹⁹ have found significant evidence that exposure to point-of-sale tobacco marketing leads to increased smoking behavior. Studies have also found a strong correlation between point-of-sale health warnings and consumer perception and behavior. For example, one study²⁰ found that point-of-sale tobacco health warnings in retail establishments had a significant impact on consumer awareness of tobacco health risks and on consumer behavior--namely, thoughts of quitting smoking. Another study²¹ found that calorie labels on menus have a significant impact on ordering behavior, in particular for diners who are the least health conscious. A

¹⁷ David Hemenway, *The Myth of Millions of Annual Self-Defense Gun Uses: A Case Study of Survey Overestimates of Rare Events*, 10(3) *Chance* 6 (1997).

¹⁸ David Yamane et al., *The Rise of Self-Defense in Gun Advertising: The American Rifleman, 1918-2017*, University of Arizona Gun Studies Symposium (October 20, 2017).

¹⁹ Lindsay Robertson et al., *A Systematic Review on the Impact of Point-of-Sale Tobacco Promotion on Smoking*, 17(1) *Nicotine & Tobacco Research* 2 (2014).

²⁰ M.H. Coady et al., *Awareness and impact of New York City's graphic point-of-sale tobacco health warning signs*, 22 *Tobacco Control* 51 (2013).

²¹ Brenna Ellison et al., *Looking at the label and beyond: the effects of calorie labels, health consciousness, and demographics on caloric intake in restaurants*, 10 *Int'l J. Behav. Nutr. and Phys. Activity* 21 (2013).

third study²² found that point of sale health warnings about sugar sweetened beverages significantly lowered consumption.

SECTION 2. Definitions: The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. § 923(a).

B. "Firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

C. "Sale" means the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

D. "Site" means the facility or location where a sale and/or transfer of firearms is conducted.

E. "Transfer" means the intended delivery of a firearm from a dealer to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in [this state] to, or return of such firearm by, any of that entity's employees or agents, which includes volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

SECTION 3. Disclosure:

A. At any site where firearm sales or transfers are conducted in this [state/county/city], a dealer shall conspicuously display a sign containing the information set forth in subsection B in any area where the sales or transfers occur.

²² Maree Scully et al., *Can point-of-sale nutrition information and health warnings encourage reduced preference for sugary drinks?: An experimental study*, 149 *Appetite* -- (forthcoming June 2020).

Such signs shall be posted in a manner so that they can be easily viewed by persons to whom firearms are sold or transferred, and shall not be removed, obscured, or rendered illegible. If the site where the sales or transfers occur are the premises listed on the dealer's federal license(s), an additional such sign shall be placed at or near the entrance.

B. Each informational sign shall be at least eight and one-half inches high by eleven inches wide, and feature black text against a white background and letters that are at least one-half inch high. The signs shall not contain other statements or markings other than the following text, in English [and Spanish]:

WARNING: Access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children, household members, or others. If you or a loved one is experiencing distress and/or depression, call the [hotline] or visit [website].

Posted pursuant to [ordinance citation].

C. The [Commissioner of Public Health] shall make available a downloadable sign as described in subsection B of this section in English [and Spanish], and make such sign available on [website].

SECTION 4. Enforcement - Penalties:

A. The [Commissioner of Public Health] is authorized to enforce this chapter in accordance with [enforcement authority statute or regulation] and consistent with subsection B of this section.

B. When violations of this chapter occur, a warning shall first be given to the dealer or other person in charge of the site. Any subsequent violation is subject to a civil penalty of up to [one hundred dollars.] Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

C. Only specifically designated enforcement staff of the [Public Health authority] may enforce this chapter and monitor compliance, to ensure appropriate signage is posted at facilities.

SECTION 4. Severability:

A. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or circumstances is not affected.