





March 19, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: David Noto 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-010-2024

CB-010-2024 (*Proposed by:* Council Member Oriadha)

Assigned to the Health, Human Services and Public Safety (HHSPS) Committee

AN ACT CONCERNING MENTAL HEALTH AND FIREARM SAFETY LITERATURE for the purpose of requiring the Department of Health to prepare and distribute certain literature to establishments that sell firearms or ammunition; adding certain display and distribution requirements for sellers of firearms or ammunition; authorizing enforcement by the Department of Health; making a civil violation for noncompliance; and generally relating to public safety.

Fiscal Summary

Direct Impact

Expenditures: Some annual additional expenditures will be necessary to provide for the development and distribution of literature to gun stores in the County.

Revenues: No anticipated impact.

Indirect Impact

Likely Favorable.

Legislative Summary:

CB-010-2024, proposed by Council Member Oriadha, was presented on February 27th, 2024, and referred to the HHSPS Committee. The bill would require the County Department of Health to prepare literature about firearm safety and training, suicide prevention, mental health, and conflict resolution. The Health Department would then distribute the literature to all establishments that sell guns or ammunition. Establishments that sell guns or ammunition must make the literature visible and available at the point of sale. They must also distribute the literature to all purchasers of guns or ammunition. The Department of Health would be authorized to enforce the terms of the bill, making a civil violation for noncompliance.

Background/Current Law:

Suicides, and in particular gun suicides, are a serious and growing public health problem in the United States. Gun suicide rates have steadily climbed to all-time highs in recent years. Many jurisdictions have turned to gun safety policies to address the growing concern of gun suicides. According to data from the Centers for Disease Control and Prevention (CDC), gun suicides accounted for 53 percent of suicides in 2020 in Maryland¹.

Federal law:

There are no State or Federal laws that provide firearm safety literature and suicide prevention literature for gun buyers. What federal policies that do exist are mostly in the form of Executive Orders promoting safe firearms storage and clarifying best practices for firearms dealers to discourage using a firearm to commit suicide².

¹ [Underlying Cause of Death, 1999-2020 Request \(cdc.gov\)](https://www.cdc.gov/nchs/data/underlying_cause_of_death_1999-2020_request.pdf)

² [Fact Sheet: Biden Administration Takes Steps to Prevent Suicide, Including by Promoting Safe Storage of Firearms | The White House](https://www.whitehouse.gov/fact-sheets/2021/04/20/fact-sheet-biden-administration-takes-steps-to-prevent-suicide-including-by-promoting-safe-storage-of-firearms/)

State Law:

At the State level, *Jaelynn's Law* was passed in 2023, which strengthened safe storage requirements for gun owners for the purpose of reducing child access to firearms, to help ensure responsible firearm storage by holding adults accountable when kids gain access to their guns. States that have these laws have seen reductions in youth suicides and unintentional injuries³. Beyond *Jaelynn's Law*, the State also has a form of “red flag” law known as an Extreme Risk Protective Order (ERPO), a court-issued civil order temporarily requiring a person to:

- surrender any firearms or ammunition to law enforcement;
- and not purchase or possess firearms or ammunition.⁴

With reasonable belief that a person meets the requirements, an ERPO allows the court to refer someone for an emergency evaluation due to a mental disorder. ERPOs may be filed by a family member, intimate partner, law enforcement officer, or medical professional. However, an ERPO may only be filed against an individual once that individual already either possesses or has access to a firearm. Furthermore, the entire process of obtaining an ERPO can take up to ten (10) days⁵. Besides, studies have found that the majority of those experiencing suicidal ideation do not disclose their ideation to those close to them⁶.

Relevant legislation from Other Jurisdictions:

The bill is modeled after Anne Arundel County's Suicide Awareness and Firearm Education (SAFE) ACT, which was enacted in January of 2022⁷. Shortly after enactment, four (4) owners of gun stores filed a lawsuit against Anne Arundel County challenging the constitutionality of the law. In particular, the plaintiffs argued the law violated the First Amendment by compelling speech and furthering the opinions of the County. After the plaintiffs lost on summary judgment, they filed an appeal in the United States Court of Appeals for the Fourth Circuit⁸. The Appeals Court heard the case on October 13, 2023, and upheld the lower court's decision that the ordinance did not violate the First Amendment rights of the gun dealers on January 23rd, 2024⁹.

Discussion/Policy Analysis

National, State, and local data demonstrates a high prevalence of suicides by firearms. Over 50 percent of suicides are now performed by firearm, nationwide¹⁰. Nationwide, 26,328 people committed suicide with a firearm in 2021¹¹. The overwhelming majority of people who try to end their own life survive the attempt. It is estimated that around 1.4 million people in the United States

³ [Legislation - SB0858 \(maryland.gov\)](#)

⁴ [Extreme Risk Protective Orders | Maryland Courts \(mdcourts.gov\)](#)

⁵ Ibid

⁶ [Disclosure of suicidal ideation and behaviours: A systematic review and meta-analysis of prevalence - ScienceDirect](#)

⁷ [Bill 70-22 | Anne Arundel County Government \(aacounty.org\)](#)

⁸ [Maryland Shall Issue, Inc. v. Anne Arundel County, No. 23-1351 \(4th Cir. 2024\) :: Justia](#)

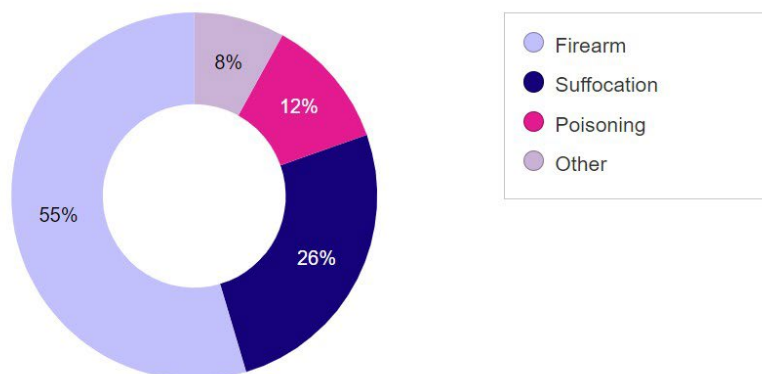
⁹ Ibid

¹⁰ Ibid

¹¹ [FastStats - Suicide and Self-Inflicted Injury \(cdc.gov\)](#)

survived a suicide attempt in 2017, while 47,000 died¹². However, fatality rates vary dramatically by the method used to attempt suicide. Almost nine out of 10 people who used a firearm to attempt suicide died¹³.

Firearms are the most common method used in suicides. Firearms are used in more than 50% of suicides.



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There were 582 deaths due to suicide in Maryland in 2020 and 620 in 2021¹⁵. There were 60 suicides in Prince George's County in 2021¹⁶. Information on the number of those suicides that were committed with a firearm is not known at this time. The State age-adjusted mortality rate for suicide was 9.2 per 100,000 population in 2020, whereas the County age-adjusted mortality rate for suicide was 6.4 per 100,000 population in the same year¹⁷. Nonetheless, statewide, suicide is the number three leading cause of death among 15- to 24-year-olds and is also ranked in the top ten causes of death among 25- to 44-year-olds and 45- to 64-year-olds¹⁸. Suicide was also the number three leading cause of death among Non-Hispanic Black 15- to 24-year-olds and males of any race or ethnicity aged 15- to 24, statewide¹⁹.

As most suicide crises tend to be brief, the fundamental strategy at play in this law, to create “time and space” between a person in crisis and their access to a firearm is potentially lifesaving. As firearms used to commit over half of all suicides, firearm access is perhaps the most important modifiable determinant in preventing suicide. However, there little extant evidence-based research on the potential for the provision of literature at a gun store aimed at those experiencing a suicide crisis is an efficient behavior modifier. The first widespread effort to encourage gun store owners to display suicide prevention materials came in 2009 in New Hampshire as a coalition of firearm

¹² [Preventing Suicide Through Better Firearm Safety Policy in the United States | Psychiatric Services \(psychiatryonline.org\)](#)

¹³ Ibid

¹⁴ [Suicide Data and Statistics | Suicide Prevention | CDC](#)

¹⁵ [2021AnnualReport_Final_v1023.pdf \(maryland.gov\)](#)

¹⁶ Ibid

¹⁷ [Prince George's County Health Department :: Indicators :: Age-Adjusted Death Rate due to Suicide :: County : Prince George's \(pgchealthzone.org\)](#)

¹⁸ [2021AnnualReport_Final_v1023.pdf \(maryland.gov\)](#)

¹⁹ Ibid

retailers and public health practitioners tried to come up with ways to prevent suicide²⁰. The impetus for this was when three people, with no connection to each other, each bought a gun from the same store in New Hampshire and used it to commit suicide a few hours later²¹.

Outreach has been done to the County Health Department to find out the number of suicides which were committed with a firearm in 2020, but that information has not yet been received. As was previously stated, this bill is modeled off Anne Arundel County's SAFE ACT. Montgomery County has also enacted a SAFE Act, in October of 2023²². Montgomery County's Office of Budget and Management estimated that it would cost the county \$15,000 a year in operating expenses "for design and printing of the literature and posters", and for those materials to be distributed across the five (5) gun stores in the county. Based on Council staff research in consultation with PGPD, there are four (4) firearms stores in Prince George's County.

Economic Evaluation

The bill would have an insignificant impact upon economic conditions in the County.

Items for Committee Consideration:

A bill usually takes effect 45 days from the date it becomes law. In both Montgomery County and Anne Arundel County, this time period was extended to 90 days to "provide ample time for the Health Department to create the required literature". No such extension was included in this bill.

Fiscal Impact

- *Direct Impact*

At the time of this report, information necessary to determine the amount of any County expenditures necessary to fully comply with the Bill's provisions was not provided to Council staff. However, when a version of this bill was enacted in Montgomery County, the Montgomery County Office of Budget and Management estimated that it would cost the county \$15,000 a year in operating expenses "for design and printing of the literature and posters." As Montgomery County has five (5) gun stores, it would suggest that the cost to the County would be similar, or slightly less.

- *Indirect Impact*

Enactment of CB-010-2024 may have a favorable indirect impact on the County if it successfully reduces the overall number of suicide attempts occurring in the County, which would reduce the

²⁰ [Gun Shop Project | Means Matter | Harvard T.H. Chan School of Public Health](#)

²¹ [NH Firearm Safety Coalition – The Connect Program](#)

²² [Suicide Awareness and Firearm Education \(SAFE\) Act Passes Montgomery County Council \(montgomerycountymd.gov\)](#)

workload of the Police Department, Fire/ EMS and other emergency services which would be called upon to respond to suicide attempts.

Effective Date of Proposed Legislation:

The proposed Act shall take effect forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.