



Chapters Views and News

A year after Newtown tragedy, states divided on gun safety legislation

from the **AAP Department of Community, Chapter and State Affairs**

Gun safety legislation largely was a dormant issue for more than 10 years in state legislatures. However, the horrific events of December 2012 in Newtown, Conn., prompted six states — California, Colorado, Connecticut, Maryland, New Jersey and New York — to pass some form of comprehensive gun safety legislation.

Although none of these bills included all of the recommendations outlined in the AAP policy statement, *Firearm-Related Injuries Affecting the Pediatric Population*, these new laws represent a considerable step forward to protect the well-being and safety of children, adolescents and young adults.

Following are provisions included in some of the new gun laws:

- **Universal background checks**

Colorado, Connecticut, Delaware, Maryland and New York passed universal background check bills, requiring that all sales of firearms take place through a licensed dealer who can perform a background check prior to the sale of the firearm.

- **Assault weapons/high-capacity magazine ammunition bans**

Connecticut, Maryland and New York passed bills that banned high-capacity magazine ammunition sales and expanded their states' existing assault weapons bans to include more weapons.

- **Mental health restrictions**

California, Connecticut, Maryland, New Jersey and New York all passed bills that strengthened mental health restrictions on firearm purchases.

- **Safe storage**



New gun safety laws in six states represent a step forward in protecting children. However, legal challenges have been mounted in most of these states; the Academy is collaborating with various groups on ways to reduce gun violence.

California strengthened its safe storage laws to require that guns be stored locked and unloaded when the owner is aware that anyone — not just a child — who is legally prohibited from possessing a firearm is present (e.g., convicted felons or those with mental health conditions).



Dr. Dowd

“By failing to enact sensible gun laws, we fail to protect children,” said M. Denise Dowd, M.D., M.P.H., FAAP, author of the policy statement and member of the AAP Council on Injury, Violence and Poison Prevention. “Gun deaths are not inevitable; good laws can save lives.”

Despite this evidence, efforts to strengthen state gun laws have met with political resistance, according to Anne R. Edwards, M.D., FAAP, chair of the AAP Committee on State Government Affairs. “What we’ve seen this year is that states are divided on gun violence



Dr. Edwards

prevention efforts. While some states strengthened gun safety laws within their states, many are also engaging in efforts to weaken these laws.”

Even in states that have enacted stronger gun laws, the battle is not over. Legal challenges are under way to nullify new gun laws in Colorado, Connecticut, Maryland and New York and likely will be filed in California and New Jersey. Two Colorado legislators, including the Senate president, lost their seats in September following recall efforts because of their votes on gun safety legislation. Additional

recall efforts are under way in Colorado and California, as gun industry organizations mobilize efforts to remove from office legislators who voted in favor of stronger gun laws.

AAP chapters continue to fight bills that threaten physician counseling on firearm safety. Despite widespread condemnation in the news media, bills were introduced in 2013 in Kansas, Missouri, Ohio, Oklahoma, South Carolina and West Virginia that would restrict a physician's ability to counsel patients and their families about safe storage of firearms. A Wisconsin state legislator has drafted legislation that has not been introduced formally. Only the Ohio bill remains viable this year.

"Laws which seek to restrict freedom of communication between the provider and the patient are completely unacceptable ... whether we are talking about guns or smoking or eating habits," Dr. Dowd said.

A U.S. federal district court judge ruled in July 2011 that the Florida law restricting physician counseling on firearms was uncon-

RESOURCES

- For more information about gun laws in your state or legislative strategies to address gun violence in your state, visit www.aap.org/stgovaffairs.
- AAP policy statement, *Firearm-Related Injuries Affecting the Pediatric Population*, <http://pediatrics.aapublications.org/content/130/5/e1416.full>.

stitutional, but Gov. Rick Scott and the state of Florida have appealed that ruling. The U.S. Court of Appeals of the 11th Circuit heard oral arguments in the case, *Wollschlaeger v Florida*, in July, and an appellate court ruling is expected sometime within the year.

The Academy remains committed to opposing this unprecedented governmental intrusion into clinical decision-making

and physician autonomy.

The Academy has been collaborating with other gun violence prevention groups on state and local efforts to reduce gun violence. In September, AAP staff met with staff from the Brady Center to Prevent Gun Violence, and on Nov. 12 AAP President Thomas K. McInerney, M.D., FAAP, spoke at the Brady Center National Summit as part of a panel discussion on the public health implications of gun laws. The Academy also has been collaborating with Moms Demand Action For Gun Sense in America, a group formed in response to the Newtown shootings, to discuss ways that pediatricians and parents can work together in the fight for more effective gun laws.