



**Committee:** HHS  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Senior Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #SuicidePrevention

AGENDA ITEM#1A  
September 26, 2023  
**Introduction**

## SUBJECT

Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act

Lead Sponsor: Council President Glass

Co-Sponsors: Councilmembers Albornoz, Stewart, and Sayles, Council Vice-President Friedson, and Councilmembers Katz, Balcombe, and Jawando

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

## DESCRIPTION/ISSUE

Bill 36-23 would:

- (1) require the Department of Health and Human Services to develop literature about firearm safety, suicide prevention, and conflict resolution;
- (2) require sellers of firearms or ammunition to display and distribute the literature at points of sale;
- (3) enable the Department of Health and Human Services to enforce the display and distribution requirements; and
- (4) generally amend the law regarding education about mental health and firearms in the County.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

## This report contains:

Staff Report

Bill 36-23

Lead Sponsor Memorandum

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**MEMORANDUM**

September 21, 2023

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act

PURPOSE: Introduction – no Council votes required

Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act, sponsored by Lead Sponsor Council President Glass and Co-Sponsors Councilmembers Albornoz, Stewart, and Sayles, Council Vice-President Friedson, and Councilmembers Katz, Balcombe, and Jawando, is scheduled for introduction on September 26, 2023. A public hearing is tentatively scheduled for October 10, 2023 at 1:30 p.m. The bill will be considered by the Health and Human Services Committee.

Bill 36-23 would:

- (1) require the Department of Health and Human Services to develop literature about firearm safety, suicide prevention, and conflict resolution;
- (2) require sellers of firearms or ammunition to display and distribute the literature at points of sale;
- (3) enable the Department of Health and Human Services to enforce the display and distribution requirements; and
- (4) generally amend the law regarding education about mental health and firearms in the County.

**BACKGROUND**

In 2022, Anne Arundel County enacted a law to require establishments selling guns or ammunition to make available, and to distribute to all purchasers, literature prepared by the County Health Department regarding gun safety and training, suicide prevention, mental health, and conflict resolution.

The Anne Arundel County law has been challenged in U.S. District Court on First Amendment grounds. *Maryland Shall Issue, Inc., et al. v. Anne Arundel County*, (U.S. District Court for the District of Maryland, Civil Case No. SAG-22-00865). The County prevailed in the District Court. The case currently is on appeal before the U.S. Court of Appeals for the Fourth Circuit.

**BILL SPECIFICS**

Bill 36-23 would require the County health department – the Department of Health and Human Services (DHHS) – to develop literature about firearm safety and training, suicide prevention, mental health, and conflict resolution. In turn, gun shops would be required to make the literature available, and to distribute the literature to purchasers, at the point of sale.

A failure to display or distribute the literature, as required under the bill, would be a Class A civil violation. Representatives of DHHS would be authorized to issue civil citations to enforce the bill.

This packet contains:

Bill 36-23

Lead Sponsor Memorandum

Circle #

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Bill No. 36-23  
Concerning: Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act  
Revised: 09/18/2023 Draft No. 3  
Introduced: September 26, 2023  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President Glass  
Co-Sponsors: Councilmembers Alborno, Stewart, and Sayles, Council Vice-President Friedson,  
and Councilmembers Katz, Balcombe, and Jawando

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**AN ACT** to:

- (1) require the Department of Health and Human Services to develop literature about firearm safety, suicide prevention, and conflict resolution;
- (2) require sellers of firearms or ammunition to display and distribute the literature at points of sale;
- (3) enable the Department of Health and Human Services to enforce the display and distribution requirements; and
- (4) generally amend the law regarding education about mental health and firearms in the County.

By adding

Montgomery County Code  
Chapter 57, Weapons  
Section 57-11A

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 57-11A is added as follows:**

2           **57-11A. Firearms and Ammunition - Suicide Prevention Literature.**

3           (a)    The Department of Health and Human Services must prepare, and must  
4                distribute to each gun shop in the County, literature regarding:

5                (1)    gun and firearm safety;

6                (2)    gun and firearm training;

7                (3)    suicide prevention;

8                (4)    mental health; and

9                (5)    conflict resolution.

10          (b)    A gun shop must make visible and available at a point of sale, and must  
11                provide to each customer upon a sale of a gun, firearm, or fixed  
12                ammunition, the literature prepared under subsection (a).

13          (c)    An authorized representative of the Department of Health and Human  
14                Services may issue a civil citation to an owner of a gun shop for a  
15                violation of subsection (b).

16          (d)    Penalties.

17                (1)    A failure to display or distribute literature under subsection (b) is  
18                a Class A violation under Section 1-19.

19                (2)    Each failure to distribute literature under subsection (b) is a  
20                separate violation.

21                (3)    Each day of a failure to display literature under subsection (b) is a  
22                separate violation.

## MEMORANDUM

To: Councilmembers  
From: Council President Evan Glass  
Re: The SAFE Act: Suicide Awareness and Firearm Education Act

September has been declared National Suicide Prevention Awareness Month, a time to remember those affected by suicide, to raise awareness and to focus efforts on directing treatment to those who need it most. The Centers for Disease Control reports that suicide continues being a leading cause of death in the United States. Forty-two percent of all suicides in Maryland are committed by a firearm.

In order to bring awareness to this tragic situation, I will be introducing “The SAFE Act”: The Suicide Awareness and Firearm Education Act on Tuesday, September 26.

This bill would:

- Require the Department of Health and Human Services to develop literature about firearm safety, suicide prevention and conflict resolution.
- Require sellers of firearms or ammunition to display and distribute the literature at points of sale.
- Amend the law regarding education about mental health and firearms in the County.

Similar legislation has been enacted in Anne Arundel County. This law was recently challenged in the U.S. District Court of Maryland by gun retailers claiming the pamphlets violated their First Amendment rights. On March 21, 2023, the U.S. District Judge ruled in favor of the county, recognizing that “access to firearms is a risk factor for suicide.” Further, the court ruled that the “pamphlets are reasonably related to the County’s interest in preventing suicide and violence.” On September 5, 2023, MedChi, The Maryland State Medical Society, the American Academy of Pediatrics, the AMA, filed an amicus brief to urge the federal appeals court to uphold this law.

As we continue to advocate for more firearm safety measures and suicide prevention awareness, the SAFE Act will be an additional tool that can be leveraged to save lives.

**Please let Valeria Carranza from my office know by Wednesday, September 20 at 12 noon if you would like to co-sponsor this legislation.**