



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

AGENDA ITEM#3  
October 10, 2023  
**Public Hearing**

## 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, Jawando, and Luedtke

## EXPECTED ATTENDEES

Members of the public

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to receive testimony

## 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:

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**MEMORANDUM**

October 5, 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: Public hearing – to receive testimony

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, Jawando, and Luedtke, was introduced on September 26, 2023. A public hearing is 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

Economic Impact Statement

Climate Assessment

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Bill No. 36-23  
Concerning: Sale of Firearms or  
Ammunition – Suicide Awareness and  
Firearm Education (SAFE) Act  
Revised: 10/04/2023 Draft No. 4  
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

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

### 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:*

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

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

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

(1) gun and firearm safety;

(2) gun and firearm training;

(3) suicide prevention;

(4) mental health; and

(5) conflict resolution.

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

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

(d) Penalties.

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

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

(3) Each day of a failure to display literature under subsection (b) is a 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.**

# Economic Impact Statement

Montgomery County, Maryland

## Bill 36-23

## Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 36-23 would have an insignificant impact on economic conditions in the County in terms of the Council's priority indicators.

### BACKGROUND AND PURPOSE OF BILL 36-23

Bill 36-23 would require the Department of Health and Human Services (DHHS) to prepare and distribute literature to each gun shop in the County regarding:

- (1) gun and firearm safety;
- (2) gun and firearm training;
- (3) suicide prevention;
- (4) mental health; and
- (5) conflict resolution.<sup>1</sup>

The gun shop would be required to make the literature visible and available at the point of sale and to distribute the literature to each customer upon a sale of a gun, firearm, or fixed ammunition.<sup>2</sup>

Failure to display or display the literature would be a Class A civil violation, which carries a maximum civil penalty of \$500 for an initial offense and \$750 for a repeat offense.<sup>3</sup> DHHS representatives would be authorized to issue a civil citation to an owner of a gun shop for noncompliance.<sup>4</sup>

The Council introduced Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act, on September 26, 2023.

### INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 36-23 on County-based private organizations and residents in terms of the Council's priority economic

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<sup>1</sup> Introduction Staff Report on Bill 36-23.

<sup>2</sup> Ibid.

<sup>3</sup> Montgomery County Code, Sec. 1-19.

<sup>4</sup> Introduction Staff Report on Bill 36-23.

indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.<sup>5</sup> Because DHHS would provide gun shops with the literature on gun safety, these shops should not incur operating expenses from printing materials. Therefore, OLO anticipates that the Bill would have an insignificant impact on private organizations, residents, and overall economic conditions in the County in terms of the Council's priority indicators.

## VARIABLES

Not applicable

## IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

## DISCUSSION ITEMS

Not applicable

## WORKS CITED

[Introduction Staff Report on Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education \(SAFE\) Act](#), September 26, 2023.

Montgomery County Code, [Sec. 2-81B, Economic Impact Statements](#).

Montgomery County Code, [Sec. 1-19, Fines and Penalties](#).

## CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

## CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

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<sup>5</sup> Montgomery County Code, Sec. 2-81B.



# Climate Assessment

## Office of Legislative Oversight

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

#### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 36-23 will have no impact as the proposed change would require the development and distribution of literature about firearm safety and training, which does not impact the County's contribution to addressing climate change.

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#### BACKGROUND AND PURPOSE OF BILL 36-23

Bill 36-23 would require the Department of Health and Human Services (DHHS) to prepare and distribute literature to each gun shop in the County regarding:

- 1) gun and firearm safety;
- 2) gun and firearm training;
- 3) suicide prevention;
- 4) mental health; and
- 5) conflict resolution.<sup>1</sup>

The gun shop would be required to make literature visible and available at the point of sale and to distribute literature to each customer upon a sale of a gun, firearm, or fixed ammunition.<sup>2</sup>

Failure to display or distribute literature would be a Class A civil violation, which carries a maximum civil penalty of \$500 for an initial offense and \$750 for a repeat offense.<sup>3</sup> DHHS representatives would be authorized to issue a civil citation to an owner of a gun shop for noncompliance.<sup>4</sup>

The Council introduced Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act, on September 26, 2023.

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#### ANTICIPATED IMPACTS

As the bill proposes to require the development and distribution of literature about firearm safety and training, OLO anticipates Bill 36-23 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>5</sup> OLO does not offer recommendations or amendments as Bill 36-23 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

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## CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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## PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> Introduction Staff Report on Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act.

<sup>2</sup> Ibid.

<sup>3</sup> Montgomery County Code, Sec. 1-19, Fines and Penalties.

<sup>4</sup> Introduction Staff Report on Bill 36-23, Sale of Firearms or Ammunition – Suicide Awareness and Firearm Education (SAFE) Act.

<sup>5</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022