



Legislation Details (With Text)

File #: BOH18-04 **Version:** 2

Type: R&R **Status:** Passed

File created: **In control:** Board of Health

On agenda: 9/20/2018 **Final action:** 11/15/2018

Enactment date: **Enactment #:** BOH18-04

Title: A RULE AND REGULATION relating to disclosure of information on health risks related to firearms; adding a new chapter to Title 23 to the BOH Code and prescribing penalties; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

Sponsors:

Indexes: Guns, Health

Code sections:

Attachments: 1. R&R 18-04.pdf, 2. BOH 18-04 Notice of Rulemaking Disclosure Firearm Sale 9-20-18 PH.doc, 3. BOH18-04 Staff report 10.18.2018.pdf, 4. BOH18-04_AMD1_Contact_Info Ritzen 09-07-18_FINAL.pdf, 5. BOH18-04_Warning_Sign_Sample.pdf, 6. BOH18-04_Warning_Sign_Sample_Amendment1.pdf, 7. City of Seattle Signed Ordinance 125620.pdf, 8. 9. Initiative 1639.pdf, 9. #9 - Firearm R&R Grounding.pptx

Date	Ver.	Action By	Action	Result
11/15/2018	1	Board of Health	Passed as Amended	Pass
10/18/2018	1	Board of Health	Deferred	
9/20/2018	1	Board of Health	Hearing Held	
9/20/2018	1	Board of Health	Deferred	

A RULE AND REGULATION relating to disclosure of information on health risks related to firearms; adding a new chapter to Title 23 to the BOH Code and prescribing penalties; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

SECTION 1. Findings:

A. According to the Centers for Disease Control and Prevention's Wide-ranging Online Data for Epidemiologic Research, also known as WONDER, in the United States, thirty-six thousand two hundred forty-seven people died in 2015 as a result of firearms. That is just fewer than the thirty-eight thousand eight hundred eighteen deaths resulting from motor vehicle incidents. Of these firearm deaths, sixty-one percent

were suicides and thirty-six percent were homicides.

B. The Washington state Department of Health data show that in 2015, firearms were the third leading cause of injury-related death in Washington state, killing approximately seven hundred fourteen Washington residents. Of those firearm deaths, seventy-five percent were suicides and firearm suicides accounted for forty-seven percent of all suicides in Washington state in 2015. In King County, firearms caused the death of one hundred forty-six King County residents. King County residents comprised twenty percent of the firearm deaths statewide.

C. According to the 2015 Washington Association of Sheriffs and Police Chiefs Annual Report, sixty-two percent of homicides in Washington State were committed with firearms.

D. The Washington state Department of Health data show that in 2015, in King County, six youth, age seventeen and younger, died as a result of firearms and nine other youth were hospitalized. Statewide, thirty-nine youth died as a result of firearms in 2015 and an additional thirty youth were hospitalized. That is the equivalent of a youth being killed by gunfire every nine days. King County youth represent fifteen of all youth killed and thirty of all youth hospitalized, as a result of firearms statewide.

E. The Washington state Department of Health data show that in 2015 twenty-eight homicides occurred among youth age seventeen and younger and, of those, seventeen, which is sixty-one percent, died as a result of firearm homicides.

F. Between 2013 and 2015, the Washington state Department of Health data show that twenty-five youth, age seventeen and younger, died by suicide in King County, of which seven used firearms. During this period, one hundred eighteen youth died by suicide in Washington and forty-seven of these youth died from firearm suicide. King County youth represent twenty-one percent of youth suicide and fifteen percent of suicides from firearm statewide.

G. The Washington state Department of Health data also indicate that ninety-five King County residents were hospitalized for nonfatal firearm injuries, including nine youth, age seventeen and younger, in

2015. Three hundred eight Washington state residents were hospitalized for nonfatal firearm injuries in 2015, including thirty youth age seventeen and younger. King County residents represent thirty percent of all nonfatal firearm injuries statewide, and approximately thirty percent of all nonfatal firearm injuries among youth.

H. The Washington state Department of Health data indicate that eight youth, age seventeen and younger, in King County, and seventeen youth statewide, were hospitalized for firearm assault injuries in Washington in 2015. King County youth accounted for forty-seven percent of these nonfatal injury hospitalizations.

I. According to the Centers for Disease Control and Prevention's Web-based Injury Statistics Query and Reporting System, also known as WISQARS, in 2015, in the King County area, firearm fatalities cost almost two hundred million dollars in medical costs and lost productivity.

J. The January 21, 2014 Annals of Internal Medicine report finds that adolescents, between the ages of ten and nineteen years, with access to firearms are 2.6 times as likely to die by suicide as adolescents without access to firearms.

K. The December 2008 Journal of Adolescent Health study of adolescent (between the ages of ten and nineteen years) suicides by firearm found that over half were carried out with firearms from the adolescents' homes. More than seventy-five percent of firearms used in suicide attempts and unintentional injuries were stored in the residence of the victim, a relative or a friend.

L. The Washington state Behavioral Risk Factor Surveillance System estimated thirty-four percent of Washington adults at least eighteen years old, which is one million eight hundred twenty-five thousand people, reported having a firearm in or around their home in 2015. Just under half of these adults, which is forty-six percent or eight hundred thirty-nine thousand people, reported having an unlocked firearm. Access to firearms, including storage practices, are a known risk factor for firearm suicide, especially among youth age seventeen and younger.

M. The Washington state Behavioral Risk Factor Surveillance System finds that, in 2015, approximately twenty-one percent of King County adults, which is three hundred forty-thousand people, reported firearms present in or around their homes. Among those adults, an estimated thirty-one percent, which is one hundred five thousand people, stored firearms loaded and an estimated forty-three percent, which is one hundred fifty thousand people, stored firearms unlocked. Approximately fifteen percent, which is fifty-one thousand people, of firearm owners reported storing them loaded and unlocked.

N. The June 2004 study from the American Journal of Epidemiology concluded that those persons with guns in the home were at greater risk than those without guns in the home of dying from homicide, firearm homicide, suicide and firearm suicide.

O. According to various Public Health - Seattle & King County analysis on firearm violence in King County, firearm violence has a disproportionate impact on communities of color, and children of color are victims of homicide by firearms at a higher rate than white children in King County.

P. A June 2006 National Institute of Health study on the effectiveness of cigarette warning labels in informing smokers about the risks of smoking found evidence that smokers who noticed the warnings were significantly more likely to "endorse" (or recognize) health risks of cigarette smoking. The study also found that warnings that are graphic, larger and more comprehensive in content are more effective in communicating the health risks. Based on that study, the King County Board of Health finds that providing health risk warnings of firearms at the time of sale and transfer and at shooting ranges would be beneficial to promote the dangers of firearms.

SECTION 2. There is hereby created a new Title 23 in the Board of Health Code, to be named Disclosure of Information on Health Risks Related to Firearms.

SECTION 3. Sections 4 through 7 of this rule and regulation should constitute a new chapter in BOH Title 23.

NEW SECTION. SECTION 4. **Purposes and policy declared.**

A. This chapter is enacted as an exercise of the board of health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this chapter.

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the owner of each establishment within its scope, and no provision nor term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of King County by its officers, employees or agents.

NEW SECTION. SECTION 5. 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. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sells, exchanges or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of the person's personal collection of firearms.

B. "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "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. "Operator" means the operating license applicant, and any of its officers, directors, partners or owners for a shooting sports facility.

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

E. "Shooting sports facility" means a facility designed and specifically delineated for safe shooting practice with firearms.

F. "Site" means the facility where a sale and transfer of firearms is conducted.

G. "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 the state of Washington to, or return of such a 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.

NEW SECTION. SECTION 6. Disclosure.

A. For all firearm sales, a dealer shall disseminate to purchaser the information as described in subsection D. of this section by posting a sign that shall be posted conspicuously, in a manner that it is easily read, at the entrance of the site and at least one additional area where sales occur. The notice shall not contain other statements or markings.

B. For all firearm transfers, a dealer shall disseminate to transferee the information as described in subsection D. of this section by posting a sign that shall be posted conspicuously, in a manner that it is easily read, at the entrance of the site and at least one additional area where transfer occur. The notice shall not contain other statements or markings.

C. At all times, the operator of a shooting sports facility shall disseminate to its customers the

information as described in subsection D. of this section by posting a sign that shall be posted conspicuously, in a manner that it is easily read, at the entrance of the shooting sports facility and at all areas where shootings occur. The notice shall not contain other statements or markings.

D. The following information shall be on a sign that is at least a letter size, which is eight and one-half inches by eleven inches, paper and written in at least thirty-point type: "WARNING: The presence of a firearm in the home significantly increases the risk of suicide, homicide, death during domestic violence disputes and unintentional deaths to children, household members and others. (King County Board of Health chapter 23.xx (this chapter)) If you or a loved one is experiencing distress and/or depression, call the Crisis Connections immediately at (866) 427-4747, available 24 hours a day or visit www.crisisconnections.org.

E. The director of Public Health - Seattle & King County shall make available a downloadable sign as described in subsection D. of this section in English, Spanish, Vietnamese, Russian, Somali, Chinese, Korean, Ukrainian, Amharic and Punjabi on the Public Health - Seattle & King County Internet web site.

NEW SECTION. SECTION 7. Enforcement - penalties.

A. The director of Public Health - Seattle & King County is authorized to enforce this chapter in accordance with BOH chapter 1.08 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 operator as applicable, 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 Public Health - Seattle & King County may enforce this chapter and monitor compliance, to ensure appropriate signage is posted at facilities.

SECTION 8. Severability. 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.