



## NATIONAL SAFETY COUNCIL

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### Position/Policy Statement

#### Safe Firearms

##### Policy/Position

The National Safety Council (NSC) recommends that policymakers, interest groups, employers and individuals take the following actions to help prevent non-fatal and fatal firearms incidents.

##### **Improve Research**

Policymakers, together with interested groups and individuals, should bolster research and data collection related to firearm injury and death statistics by developing a uniform procedure for identifying, reporting and summarizing firearms incidents.

- NSC believes the absence of a reliable system for collecting and analyzing such data makes meaningful evaluation of the effectiveness of injury-prevention programs extremely difficult.
- NSC opposes efforts to restrict firearms research by state and federal agencies.
- NSC supports providing sufficient federal funding for research into the causes of and solutions to gun violence.

##### **Implement Background Checks**

NSC supports the passage of legislation that enables and requires effective background checks for all purchasers of firearms in all firearm sales.

- All state and federal databases should be aligned such that background checks can fully include records that may prohibit firearm purchase, including a history of criminal activity, mental health issues, drug abuse and/or domestic violence.
- State and federal legislators should implement universal background checks that would remove loophole exemptions for firearm sales through private sellers and exhibition shows.

##### **Support Safe Storage**

Every person owning a firearm of any sort is responsible for the safekeeping and proper use of the firearm. The Council supports governmental and community efforts to direct resources towards firearm-safety education and safe-storage opportunities. NSC joins the medical community in supporting the incorporation of firearm-safety questions in standard patient interactions.

##### **Enact Extreme Risk Protection Orders (ERPO)**

Policymakers should support the enactment and implementation of ERPOs to prevent an individual from harming themselves or others with a firearm.

- State governments should adopt ERPOs and properly train law enforcement for safe and equitable implementation<sup>1</sup> and federal courts should be given the power to issue ERPOs.
- The federal government should provide financial support to state governments through the development of a grant program to ensure in-depth research and training to best implement and raise awareness of ERPOs.
- The federal courts should be able to issue ERPOs.
- An ERPO should only be granted when a judge makes the determination, by clear and convincing evidence, that the person poses a significant risk of danger to themselves or others.

### **Incorporate Smart-Gun Features**

Firearm manufacturers should utilize smart-gun safety features, such as fingerprint readers, radio frequency identification chips or other biometric sensors to prevent unauthorized users from injury or death by intentional or unintentional shooting. Policymakers, interest groups and individuals should work together to craft legislation and other mechanisms to incentivize manufacturers to implement smart-gun safety features.

### **Allow Employer Choice**

Employers should have the ability to prohibit open and concealed carry of firearms on company premises.

### **Background**

In 2020, 43,543 people died in the United States as a result of gun violence.<sup>2</sup> Nearly half of these deaths (19,387) are attributed to firearm homicides or unintentional and defensive gun use; the other 55% of deaths (24,156) is due to firearm suicide.<sup>3</sup> This is a significant increase from 2019, when 39,530 people died due to gun violence.

The number of unintentional deaths from firearms has increased since 2015 and currently comprises 5% of firearm deaths.<sup>4</sup> Nearly 4,000 more homicides, unintentional or defensive gun-use deaths occurred in 2020 and nearly 400 more children died in 2020.<sup>5</sup> Through the first five months of 2021 alone, more than 8,100 people in the United States have been killed by a firearm, averaging about 54 lives lost per day, which is 14 more deaths per day than the average of the same period from the previous six years.<sup>6</sup>

Three-quarters of all U.S. homicides also use firearms as their method of choice,<sup>7</sup> and seven out of every 10 medically treated firearm injury comes from a firearm-related assault.<sup>8</sup>

The number of people dying by suicide from a firearm has remained tragically stable, year over year, with 24,090 suicides by firearm in 2019. Not only are firearms the method used in half of

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<sup>1</sup> <https://www.csgv.org/wp-content/uploads/2021/04/Working-Guide-Towards-More-Racially-Equitable-Extreme-Risk-laws.pdf>

<sup>2</sup> <https://www.gunviolencearchive.org/past-tolls>

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> <https://www.gunviolencearchive.org/>

<sup>7</sup> Ibid

<sup>8</sup> <https://www.cdc.gov/violenceprevention/firearms/fastfact.html>

all U.S. suicides, but firearms are the most deadly form of suicide.<sup>9</sup> More than 90% of people who attempt suicide with a firearm will succeed.<sup>10</sup>

The prevalence of firearms contributes to injury and death that affects all age groups in all locations. Firearm discharge is among the top-10 causes of unintentional death for people aged 1-24 and at least one-in-three American homes contains a firearm. There were 1,372 children ages 0-17 killed by gun violence in 2020; this number increases to over 3,000 deaths if 18- and 19-year-olds are included.<sup>11</sup>

Americans experience firearm-related violence in the workplace far too frequently. In 2017, the Bureau of Labor Statistics reported that there were 351 firearm homicides in U.S. workplaces.<sup>12</sup> This amounts to nearly one person killed every day in the workplace as a result of gun violence. In 2021, there have been five workplace mass shootings over a 10-week period, making up five of 37 workplace mass shootings since 2009.<sup>13</sup>

It's also important to consider potential benefits of firearms, including defensive gun use. National survey estimates suggest that defensive gun uses by victims are at least as common as offensive uses by criminals.<sup>14</sup> The number of defensive gun uses remains unclear in the field with data showing annual uses ranging from about 500,000 to more than 3 million and others reporting much lower estimates of only 108,000 annual defensive uses.<sup>15</sup> Defensive uses of guns have consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies.<sup>16</sup>

As America's leading nonprofit safety advocate, NSC is devoted to reducing the number of Americans injured and killed by firearms and believes that appropriate firearm policies will result in improved safety, from the workplace to anyplace.

Other leading public health organizations have recently called for changes in firearms policies in America. The rise of gun violence prompted the American Medical Association to adopt a policy in June 2018 calling gun violence a "public health crisis" and pressure lawmakers, policy leaders and advocates to act.<sup>17</sup> In 2018, the American Public Health Association (APHA) and the American Psychological Association cosponsored a briefing to Congress on a public health approach to gun violence, calling gun violence a "major public health problem and a leading cause of premature death."<sup>18</sup>

## **Improve Research**

There are a number of strategies that may decrease the prevalence of firearm death and injury, but an initial goal must be the expansion of research and data into this field. NSC already

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<sup>9</sup> <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>

<sup>10</sup> Ibid

<sup>11</sup> <https://www.gunviolencearchive.org/past-tolls>

<sup>12</sup> <https://www.bls.gov/iif/oshwc/foi/cftb0314.htm>

<sup>13</sup> <https://everytownresearch.org/maps/mass-shootings-in-america-2009-2019/>

<sup>14</sup> <https://www.nap.edu/read/18319/chapter/3#31>

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> <https://www.ama-assn.org/delivering-care/public-health/ama-backs-common-sense-measures-prevent-gun-injuries-deaths>

<sup>18</sup> [https://www.apha.org/-/media/files/pdf/factsheets/200221\\_gun\\_violence\\_fact\\_sheet.ashx?la=en&hash=F18D18BB89294AE9EFAA2EB5C0B00B073C65863F](https://www.apha.org/-/media/files/pdf/factsheets/200221_gun_violence_fact_sheet.ashx?la=en&hash=F18D18BB89294AE9EFAA2EB5C0B00B073C65863F)

passed a policy position supporting improved research and data in general (policy position #137). As a result, NSC, along with other safety advocates and public health groups, sent letters to congressional leaders asking them to lift restrictions and increase funding for firearm-injury prevention research.

In 1997, Congress passed the 1997 Omnibus Consolidated Appropriations Act, which stipulates that “none of the funds made available at the Centers for Disease Control and Prevention (CDC) may be used to advocate or promote gun control”.<sup>19</sup> In the two decades since that time, there has been limited federal funding for firearms research.<sup>20</sup> In 2018, Congress adopted language clarifying that the federal government has the authority to fund research into the causes of gun violence.<sup>21</sup> Following this change, Congress allocated funds to the CDC in 2019 for firearm research for the first time since the 1997 bill, giving the CDC its first opportunity in decades to collect necessary data on preventing gun violence.<sup>22</sup>

APHA asserts that the medical research community has been “hampered by the lack of evidence-based research to point our communities toward effective gun violence prevention programs.”<sup>23</sup> As a result, the U.S. lacks clear answers to questions regarding gun use, ownership and education, as well as accurate incident reporting. For example, researchers have a difficult time assessing the number of guns in circulation and thus do not have accurate information about the volume and frequency of firearms bought and sold.

NSC strongly believes that better data can result in better solutions to gun violence. The Council urges government at all levels to: develop uniform, transparent firearm-incident reporting data; ensure the reinstated research funding is sufficient to study the causes of and solutions to firearm deaths and injuries; and continue funding this research.

### **Implement Background Checks**

Governance over background checks for firearms purchases is split between the federal and state governments. Current U.S. law states that federally licensed firearm dealers must check firearm purchaser eligibility through the National Instant Criminal Background Check System (NICS).<sup>24</sup> The system compiles prohibiting offenses for firearm purchase and can flag prospective buyers for inquiry. After three business days, the gun dealer has discretion on whether or not to continue with the sale. Many gun-selling businesses have made it a policy not to sell a firearm until the background check is returned.

States have broad latitude to augment the federal background check law. They may insert their own background check system in place of the NICS and, in some cases, state gun permit law can supersede the need for a background check at point of purchase (the so-called Brady Exemption<sup>25</sup>).

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<sup>19</sup> Omnibus Consolidated Appropriations Act, 1997. Pub. L. 104-208. Pg. 245. 30 September 1996. Web. <https://www.gpo.gov/fdsys/pkg/PLAW-104publ208/pdf/PLAW-104publ208.pdf>

<sup>20</sup> <http://www.apa.org/science/about/psa/2013/02/gun-violence.aspx>

<sup>21</sup> Allen Rostron, 2018: The Dickey Amendment on Federal Funding for Research on Gun Violence: A Legal Dissection American Journal of Public Health 108, 865-867, <https://doi.org/10.2105/AJPH.2018.304450>

<sup>22</sup> <https://violence.chop.edu/types-violence/gun-violence/gun-violence-facts-and-statistics>

<sup>23</sup> [https://www.apha.org/~media/files/pdf/advocacy/letters/2015/151212\\_cdc\\_gun\\_research.ashx](https://www.apha.org/~media/files/pdf/advocacy/letters/2015/151212_cdc_gun_research.ashx)

<sup>24</sup> 18 U.S. Code § 921 and 922

<sup>25</sup> The Brady Exemption gives concealed firearm permittees an exemption from the federal Brady Background Check requirement when purchasing or transferring from a dealer pursuant to federal requirements. (<https://www.atf.gov/rules-and-regulations/permanent-brady-permit-chart>)

Some states voluntarily coalesce their law enforcement and mental health records with the national system to provide more complete data. The National Shooting Sports Foundation, an NSC member, has been an active proponent of including more data,<sup>26</sup> recognizing that the effectiveness of a background check is dependent on the quality of the data on which it is based.

Despite the lack of coordinated federal research on gun violence over the past two decades, evidence suggests that background checks at the point of purchase reduce the risk of subsequent violence among people who are denied purchase.<sup>27</sup> While background checks do not eliminate illegal routes for some violent criminals to obtain firearms, they have been shown to reduce violent crime. When California expanded its background checks to include prohibitions on violent misdemeanor convictions, an observational study found that denial was associated with a 25% decrease in the risk for future firearm-related or violent crime among prospective purchasers.<sup>28</sup> Studies in Connecticut and Florida, respectively, examined the effect of screening out prohibited persons due to mental health events would impact violent crime. In Connecticut, researchers found an immediate reduction of more than 50% in the risk of arrest for violent crime.<sup>29,30</sup> In Florida, improved reporting was also associated with a 50% decrease in the odds of arrest for violent crime.<sup>31</sup>

Adding or removing background checks (or similar regulations) in specific states also has been shown to affect homicide rates. A 2015 Connecticut study analyzed the impacts of a Permit to Purchase (PTP) policy, which typically requires prospective gun purchasers to apply directly to a state or local law-enforcement agency to obtain a purchase permit prior to approaching a seller.<sup>32</sup> Researchers found that implementation of a PTP law was associated with a 40% decrease in firearm homicide in Connecticut.<sup>33</sup> Conversely, Missouri saw firearm homicides increase by 23%<sup>34</sup> and firearm suicides increase by 16% after repealing a permit requirement in 2007.<sup>35</sup> A 2005 study published in the *Journal of Criminal Justice* examined firearm homicide data across 16 states while controlling for economic and social factors and found that

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<sup>26</sup> <http://www.nssf.org/newsroom/releases/2012/050112.cfm>

<sup>27</sup> Wintemute, G., 2019. Background Checks For Firearm Purchases: Problem Areas And Recommendations To Improve Effectiveness. *Health Affairs*, 38(10), pp.1702-1710.

<sup>28</sup> Gius M. Effects of permit-to-purchase laws on state-level firearm murder rates. *Atl Econ J.* 2017;45(1):73-80.

<sup>29</sup> Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *J Urban Health.* 2009;86(4):525-37.

<sup>30</sup> Goggins BR, DeBacco DA. Survey of state criminal history information systems, 2016: a criminal justice information policy report. 2018 [cited 2019 February 22]: Available from: <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.

<sup>31</sup> Sumner SA, Layde PM, Guse CE. Firearm death rates and association with level of firearm purchase background check. *Am J Prev Med.* 2008;35(1):1-6.

<sup>32</sup> <https://hub.jhu.edu/2018/06/01/permit-to-purchase-laws-linked-to-firearm-homicide-decrease/#:~:text=According%20to%20a%20fact%20sheet%20published%20by%20the,a%20purchase%20permit%20prior%20to%20approaching%20any%20seller>

<sup>33</sup> Rudolph KE, Stuart EA, Vernick JS, et al. Association between Connecticut's permit-to purchase Handgun law and homicides. *Am J Public Health* 2015;105:e49–54.

<sup>34</sup> <http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/pdfs/effects-of-missouris-repeal-of-its-handgun-purchaser-licensing-law-on-homicides.pdf>

<sup>35</sup> <https://practicalbioethics.org/files/gun-violence/suicide-effects-of-changes-in-permit-to-purchase-handgun-laws.pdf>

background checks produced “a clear and consistent negative association with firearm homicides.”<sup>36</sup>

There is also evidence to show that background checks reduce firearm suicide rates. In a five-year study of CDC suicide data (2008-2012), the 14 states and Washington, DC that required a background check experienced 48% fewer gun suicides per capita than the 36 states that did not, despite no significant difference in non-firearm suicide rates.<sup>37</sup>

Current federal law only applies to licensed dealers, meaning that the many firearms bought and sold through private transactions are not subject to the reporting requirements described, representing anywhere between 14% to 22% of all gun sales.<sup>38</sup> The National Safety Council supports efforts to ensure that full background checks, incorporating the most complete range of law enforcement and mental health records, are extended to all purchase points, including gun shows and online sales, where both licensed and non-licensed dealers sell firearms.

### **Support Safe Storage**

Responsible safekeeping and proper usage is an essential duty of all firearm owners. NSC has previously stated that increasing education geared towards secure firearm storage would likely have a significant effect on preventing unintentional injury and death.<sup>39</sup> A study published in 2021 examined 46,039 pediatric patients (age 19 or younger) from 2010 to 2016 who sustained firearm injuries.<sup>40</sup> It found that the incidence of unintentional, self-inflicted firearm-related injuries increased from 16.2% to 20.1% in those seven years, with a significantly higher number of unintentional and self-inflicted injuries occurring in the home.<sup>41</sup>

The authors concluded that effective strategies for decreasing the frequency of unintentional and self-inflicted firearm injury and deaths in the home would include the enactment of Child Access Prevention (CAP) laws and safer storage of firearms, as other studies have demonstrated a link between stronger CAP laws and a reduction in pediatric hospitalizations from firearms.<sup>42</sup>

According to a 2006 survey from the Harvard School of Public Health, 22% of gun owners with children under age 18 stored their gun loaded and 31.5% stored a gun unlocked.<sup>43</sup> These practices create unsafe environments for other young occupants and visitors to the home.

The risk of unsafe storage practices in and out of the home extends to adults as well. A 2002 psychiatric study noted that elderly Americans commit suicide by using a firearm at a greater rate than the national average (71% vs. 57%, respectively) and keeping a gun unsecured and

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<sup>36</sup>Ruddel, Rick, G Larry Mays, State background checks and firearms homicides, *Journal of Criminal Justice*, v. 33 2005

<sup>37</sup> [www.cdc.gov/ncipc/wisqars/](http://www.cdc.gov/ncipc/wisqars/)

<sup>38</sup> <http://annals.org/aim/article/2595892/firearm-acquisition-without-background-checks-results-national-survey>

<sup>39</sup> Reference NSC Policy Position #70

<sup>40</sup> Esparaz, J. R., Waters, A. M., Mathis, M. S., Deng, L., Xie, R., Chen, M. K., Beierle, E. A., & Russell, R. T. (2021). The Disturbing Findings of Pediatric Firearm Injuries From the National Trauma Data Bank: 2010-2016. *Journal of Surgical Research*, 259, 224–229. <https://doi.org/10.1016/j.jss.2020.05.096>

<sup>41</sup> Ibid

<sup>42</sup> Ibid

<sup>43</sup> <https://www.ncbi.nlm.nih.gov/pubmed/16894076>

loaded was a dominant risk factor in this phenomenon.<sup>44</sup> Hearteningly, a 2004 analysis by the National Center for Health Statistics found that firearm owners who kept their firearm locked or unloaded were 60% less likely to commit suicide.<sup>45</sup> The Harvard Injury Control Research Center further asserts that “gun (operational) training is not associated with appropriate gun storage.”<sup>46</sup> There must be a greater effort by the safety community to ensure that those who do bring firearms into their homes store them in a safe and responsible manner.

Providing firearm storage outside of the house is another important and effective intervention. A 2016 study from the University of Washington looked at the education and outreach mechanisms themselves, finding that providing physical storage devices had a much larger effect on promoting safe firearm storage than simple counseling.<sup>47</sup> Colorado in 2019<sup>48</sup> and Washington in 2020<sup>49</sup> became the first two states to create interactive maps people can use to determine which law-enforcement agencies, firearm retailers and shooting ranges are willing to temporarily store firearms. NSC encourages other states to create similar resources.

No “one size fits all” requirement can meet the needs of all American gun owners with differing circumstances. That is why NSC supports efforts at all levels of government to implement firearm safety programs that educate the public on both safe storage and use in and out of the home. States and local communities can and should dedicate resources toward educating residents on safe firearm ownership. NSC supports the work of organizations such as the Safer Homes Collaborative<sup>50</sup> and Project ChildSafe,<sup>51</sup> which help firearm retailers and communities obtain and display educational materials, acquire temporary storage of firearms and recognize mental health signs that present concerns for firearm access and ownership.

Federal agencies including but not limited to the Substance Abuse and Mental Health Services (SAMSHA), the Department of Defense and the United States Department of Veterans Affairs should also dedicate resources towards education on safe firearm ownership in their work with more at-risk populations. NSC supports firearm organization efforts to expand the scope and availability of safety resources provided to firearm enthusiasts and supports physicians incorporating questions regarding the presence and availability of firearms in the household into patient interactions.

Parents can use resources like those provided by the AAP *Connected Kids* violence prevention program to make homes safer.<sup>52</sup> This program provides parents with factual guides to prevent child access to dangerous household products, including firearms.

### **Enact Extreme Risk Protection Orders (ERPO)**

As of July 1, 2020, 19 states and the District of Columbia have enacted ERPO laws that allow family members, dating partners, household members, law enforcement, health professionals,

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<sup>44</sup> Conwell, Yeates, Kenneth Connor, Christopher Cox, Access to Firearms and Risk for Suicide in Middle-Aged and Older Adults, *American Journal of Geriatric Psychiatry*, 10:4, 2002

<sup>45</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1763337/pdf/v058p00841.pdf>

<sup>46</sup> <https://www.hsph.harvard.edu/hicrc/firearms-research/public-opinion/>

<sup>47</sup> <https://epirev.oxfordjournals.org/content/38/1/111.abstract>

<sup>48</sup> <https://coloradofirearmsafetycoalition.org/gun-storage-map/>

<sup>49</sup> <https://hiprc.org/firearm/firearm-storage-wa/>

<sup>50</sup> <https://www.saferhomescollaborative.org/>

<sup>51</sup> <https://projectchildsafe.org/>

<sup>52</sup> <https://patiented.solutions.aap.org/handout.aspx?gboSid=166246>

co-workers, and school administrators to petition a court to temporarily restrict a person's access to firearms when the person is at risk of violence to themselves or others.<sup>53</sup>

As stated earlier, NSC recommends more states enact and implement these laws and that the federal government provides more financial support for ERPO implementation as they are proven to protect people exhibiting extreme symptoms of psychological distress, anger, suicidal thoughts and loss of control from harming themselves and others.<sup>54</sup> NSC recommends the establishment of a federal grant program for states that have ERPOs to be used by states to train law enforcement and court personnel on ERPOs, develop protocols for enforcement and raise public awareness of this life-saving process.

Studies of ERPO laws provide evidence of their effectiveness in preventing gun violence, including mass violence in schools and elsewhere, as well as in suicide prevention.<sup>55</sup> A California-based research study examined 21 cases of ERPOs issued between 2016 and 2018 in response to an individual showing clear intention to commit a mass shooting. The study found that no mass shootings, suicides or homicides associated with the individuals examined occurred from the time firearms had been restricted through the initial issuance of the ERPO through August 2019.<sup>56</sup>

A study conducted in Connecticut measured the outcomes of all gun-removal cases in the state between 1999 and 2013 and estimated that, for every 10 to 20 ERPOs issued, one life was saved by averting a suicide.<sup>57</sup> Similarly, a study conducted in Indiana found that the state's use of the gun-removal law resulted in a 7.5% decrease in its firearm suicide rate.<sup>58</sup>

NSC recommends that an ERPO should only be granted when a judge makes the determination, by clear and convincing evidence, that the person poses a significant risk of danger to themselves or others. As a measure to prevent immediate danger, ERPOs are temporary, lasting no more than five years, and do not result in a criminal record for the respondent.<sup>59</sup> National polling from 2017 also shows these laws are supported by approximately two-out-of-three gun owners and three-out-of-four non gun-owners.<sup>60</sup>

In order for existing programs to continue to be successful, it is also crucial that more research be conducted on the effectiveness of ERPOs and their implementation strategies, including research on the impacts of requiring community-based mental health treatment as a condition of the ERPO. Furthermore, it is vital that law enforcement receive proper training on how to act on ERPOs in order to keep respondents and the public safe, as well as ensure equity in

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<sup>53</sup> <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/research/extreme-risk-protection-orders/>

<sup>54</sup> Lankford A. Identifying potential mass shooters and suicide terrorists with warning signs of suicide, perceived victimization, and desires for attention or fame. *Journal of Personality Assessment* 2018;100:471-482.

<sup>55</sup> <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs>

<sup>56</sup> Ibid

<sup>57</sup> Swanson JW, Noriko MA, Lin H-J, et al. Implementation and effectiveness of Connecticut's risk-based gun removal law: does it prevent suicides. *Law Contemp. Probl.* 2017;80:179.

<sup>58</sup> Kivisto AJ, Phalen PL. Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981-2015. *Psychiatr Serv.* 2018;69:88-562.

<sup>59</sup> <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/research/extreme-risk-protection-orders/>

<sup>60</sup> Barry CL, Webster DW, Stone E et al. Public support for gun violence prevention policies among gun owners and non-gun owners in 2017. *AJPH* 2018;108:878-881



implementation. Law enforcement training and education of judges on ERPOs should work to combat any bias or selective enforcement.

NSC strongly believes wider enactment of ERPOs can prevent injury and death by firearm. The Council urges state governments to enact and implement ERPOs and urges the federal government to provide funding to support ERPO implementation to ensure in depth research and training. NSC also supports legislation that would empower federal courts to issue ERPOs.

### **Incorporate Smart Gun Features**

Of all guns used in youth suicides, unintentional shootings among children and school shootings perpetrated by shooters under the age of 18, 70% to 90% are acquired from the home or the homes of relatives or friends.<sup>61</sup> Smart-gun safety features, such as fingerprint readers, radio-frequency identification chips and other biometric sensors serve to activate the firearm only for a designated user, preventing intentional or unintentional shootings that occur when unauthorized individuals – including children – gain access to unsecured guns.<sup>62</sup> Similar technology is available on phones and other electronic devices. NSC strongly recommends the utilization of smart guns and other gun-safety technology features to prevent deaths and injuries by firearm.

In analyzing a sample of unintentional and undetermined firearm deaths, researchers found that 37% of these deaths could have been prevented using smart-gun technology.<sup>63</sup> However, only three states – Maryland, Massachusetts and New Jersey – have laws addressing personalized gun technology.<sup>64</sup> For the protection of individuals from firearm injury and death, federal and state governments need to develop laws encouraging the implementation of smart-gun technology.

Another benefit of smart-gun safety features is that they render firearms useless to thieves. According to 2017 data, approximately 380,000 guns are stolen from individual gun owners each year.<sup>65</sup> After analyzing the more than 23,000 stolen firearms recovered by police between 2010 and 2016, researchers found that the majority of these weapons were recovered in connection with crimes.<sup>66</sup> This included more than 1,500 violent acts involving the stolen guns such as murder, kidnapping and armed robbery.<sup>67</sup> Researchers concluded that deaths resulting from these violent acts using stolen guns were preventable.<sup>68</sup>

Firearm malfunctions such as delayed discharge, hammer follows, and incomplete discharge also contribute to firearm-related injuries.<sup>69</sup> NSC recommends that firearm manufacturers only release smart gun technology that has been thoroughly tested to ensure it does not increase

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<sup>61</sup> <https://giffords.org/lawcenter/gun-laws/policy-areas/child-consumer-safety/smart-guns/>

<sup>62</sup> Ibid

<sup>63</sup> Researchers considered a death preventable if there was clear evidence that the shooter was not the owner or authorized user of the gun. Jon S. Vernick, et al., "Unintentional and Undetermined Firearm Related Deaths: a Preventable Death Analysis for Three Safety Devices," *Injury Prevention* 9, no. 4 (2003): 307–311.

<sup>64</sup> <https://giffords.org/lawcenter/gun-laws/policy-areas/child-consumer-safety/smart-guns/>

<sup>65</sup> David Hemenway, Deborah Azrael, and Matthew Miller, "Whose Guns are Stolen? The Epidemiology of Gun Theft Victims," *Injury Epidemiology* 4, no. 1 (2017)

<sup>66</sup> Brian Freskos, "Missing Pieces: Gun Theft from Legal Gun Owners is on the Rise, Quietly Fueling Violent Crime, The Trace, November 20, 2017, <https://bit.ly/2izST1h>.

<sup>67</sup> Ibid

<sup>68</sup> Ibid

<sup>69</sup> <https://blog.gunassociation.org/handgun-malfunctions/>

firearm malfunctions. NSC also strongly recommends the incorporation of safety instructions that reduce misuse of new smart gun technology that could result in injury.

A survey conducted by the Johns Hopkins Bloomberg School of Public Health found that nearly 60% of Americans are willing to purchase a smart or childproof handgun,<sup>70</sup> but manufacturers are not making them widely available. A 2016 joint report from the U.S. Departments of Defense, Justice and Homeland Security acknowledged that gun manufacturers need incentives to develop personalization technologies and integrate them into their products.<sup>71</sup> NSC believes that government at all levels needs to adopt policies that encourage manufacturers to develop and integrate smart-gun safety features. Actions that federal, state, and local governments can take that NSC supports, but are not limited to, includes lowering the cost of bringing new technology to market and exercising their collective purchasing power to spur development.

### **Allow Employer Choice**

State laws dictating whether employers are allowed to prohibit the open and concealed carrying of firearms in the workplace vary drastically across states. Nineteen states and the District of Columbia have no laws explicitly stopping or allowing policies that prohibit guns in the workplace.<sup>72</sup> The remaining 31 states take a variety of approaches. For example<sup>73</sup>:

- Indiana, Florida, Kentucky and Maine allow people to keep guns in their vehicles and for the business to set the policy for open and concealed carry in the place of business.
- Iowa and South Dakota allow only business owners to be armed in their own workplaces.
- Colorado and Ohio allows private employers to prohibit guns in the workplace, while banning the carrying of firearms in some or all public facilities.
- Utah allows only private employers to prohibit guns in the workplace, while explicitly stating public employers, with a few exceptions, cannot.

NSC believes that all employers should have the ability to prohibit open and concealed carrying of firearms on their property.

Corporate policies that prohibit customers and employees from open and concealed carrying on company premises, including corporate offices, retail locations and parking lots, can help prevent death and injury in the workplace. A study in the *American Journal of Public Health* found that the risk of a worker being killed at work was substantially higher in workplaces where employer policy allowed workers to keep firearms.<sup>74</sup> Additionally, a study that analyzed workplace homicides in all 50 states from 1992 to 2017 found that the average effect of having a right-to-carry law was associated with a 29% higher rate of firearm workplace homicide.<sup>75</sup> In a recent analysis of workplace homicide trends, researchers found that arguments were the most common circumstance among non-robbery workplace homicides and that nearby firearm

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<sup>70</sup> <https://www.jhsph.edu/news/news-releases/2016/survey-most-americans-support-smart-guns.html>

<sup>71</sup> Departments of Defense, Justice, and Homeland Security, Report to the President Outlining a Strategy to Expedite Deployment of Gun Safety Technology (April 2016), [https://obamawhitehouse.archives.gov/sites/default/files/docs/final\\_report-smart\\_gun\\_report.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/final_report-smart_gun_report.pdf).

<sup>72</sup> <https://ehs-support.com/wp-content/uploads/State-laws-on-bringing-weapons-on-employer-premises.pdf>

<sup>73</sup> Ibid

<sup>74</sup> Loomis, D., Marshall, S. W., & Ta, M. L. (2005). Employer Policies Toward Guns and the Risk of Homicide in the Workplace. *American Journal of Public Health*, 95(5), 830–832. <https://doi.org/10.2105/ajph.2003.033535>

<sup>75</sup> Doucette, M. L., Crifasi, C. K., & Frattaroli, S. (2019). Right-to-Carry Laws and Firearm Workplace Homicides: A Longitudinal Analysis (1992–2017). *American Journal of Public Health*, 109(12), 1747–1753. <https://doi.org/10.2105/ajph.2019.305307>

access played a role in escalating arguments into workplace homicides, particularly for customer-employee arguments.<sup>76</sup>

NSC recommends that state laws allow employers to have the ability to prohibit open and concealed carrying of firearms in the workplace.

*This position statement reflects the opinions of the National Safety Council but not necessarily those of each member organization.*

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<sup>76</sup> Doucette, M. L., Bulzacchelli, M. T., Frattaroli, S., & Crifasi, C. K. (2019). Workplace homicides committed by firearm: recent trends and narrative text analysis. *Injury Epidemiology*, 6(1). <https://doi.org/10.1186/s40621-019-0184-0>