



2021

VIRTUAL
PUBLIC HEALTH LAW
CONFERENCE

**Building and Supporting
Healthy Communities
for All**

September 21-23



2021

PUBLIC
CONFERENCE

2021

**PUBLIC HEALTH LAW
CONFERENCE**

**Building and Supporting
Healthy Communities for All**

**Sep. 21-23, 2021
PHLC2021.org
#PHLC2021**

Legal Tools that Threaten Public Health Progress

2021

**PUBLIC HEALTH LAW
CONFERENCE**

**Building and Supporting
Healthy Communities for All**

**Sep. 21-23, 2021
PHLC2021.org
#PHLC2021**

Regulation of Concealed Carry in the United States: A Public Health Law Research Analysis of State Permitting Laws

Alex McCourt, JD, PhD, MPH
Assistant Scientist

Center for Gun Violence Prevention and Policy
Center for Law and the Public's Health
Johns Hopkins Bloomberg School of Public Health

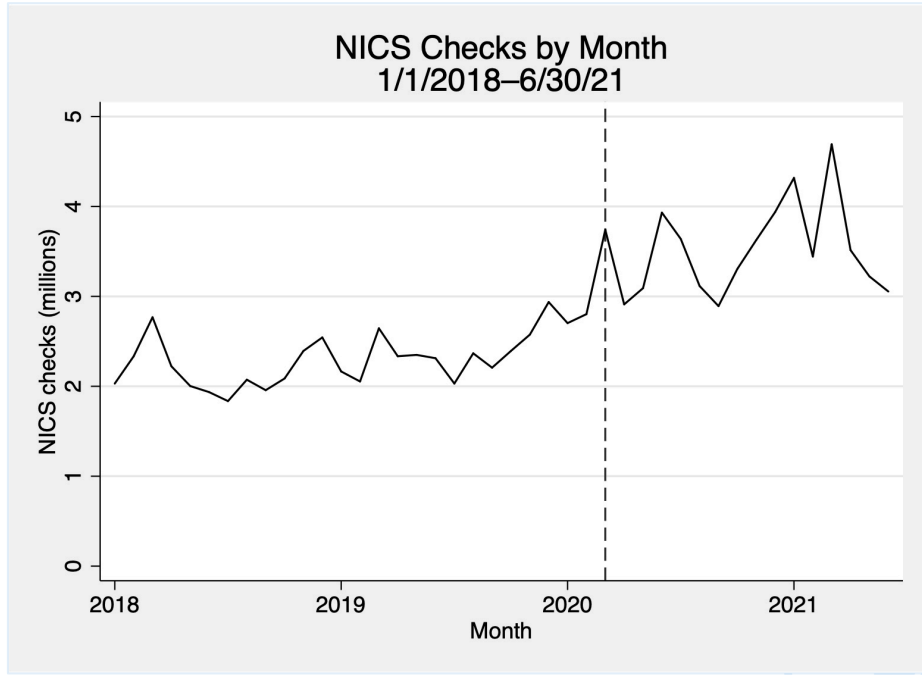
Disclosures

- ▶ I have no conflicts of interest to disclose
- ▶ The material presented here is my own and does not necessarily reflect the views of Johns Hopkins University
- ▶ Acknowledgments
 - Collaborators: Daniel Webster, Cassandra Crifasi, Jon Vernick, Mitchell Doucette, Center for Gun Violence Prevention and Policy
 - Funder: Joyce Foundation



Gun violence is a major public health problem

- ▶ Many different types prevalent in the U.S.
 - Urban violence
 - Suicide
 - Intimate partner violence
 - Police violence
 - Mass shootings
- ▶ Distributed unevenly
 - Certain populations bear disproportionate burden
- ▶ Exposure and access to guns may be increasing



Background—gun policy

- ▶ Political disagreements about the best policy approach to reducing gun violence
 - Laws that restrict access to firearms
 - Laws that facilitate access to firearms
- ▶ Federal infrastructure, but firearms largely regulated at the state level
- ▶ Patchwork of state laws, but opportunity for unique public health policy analyses
- ▶ Laws are a popular intervention strategy, but there are certain laws that may foster violence



Laws intended to regulate the carry of guns in public

- ▶ Two types of public carry:
 - Open Carry
 - Concealed Carry
- ▶ Most states require permits or licenses to carry, but process differs
 - Some state laws make it difficult to get a permit
 - Some state laws make it easy to get a permit
- ▶ One of the biggest gun policy debates: Whether guns in public are a violence deterrent or catalyst



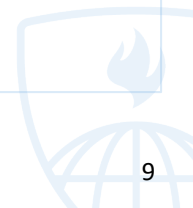
Four types of state concealed carry law

- ▶ Most states require a permit or license to carry a concealed gun and articulate specific permitting criteria
- ▶ State concealed carry laws can be sorted into four broad categories:
 - No Issue (ban) *Strict*
 - May Issue
 - Shall Issue
 - Permitless carry *Lenient*
- ▶ Shall issue and permitless laws are also called “Right-to-Carry” (RTC) laws



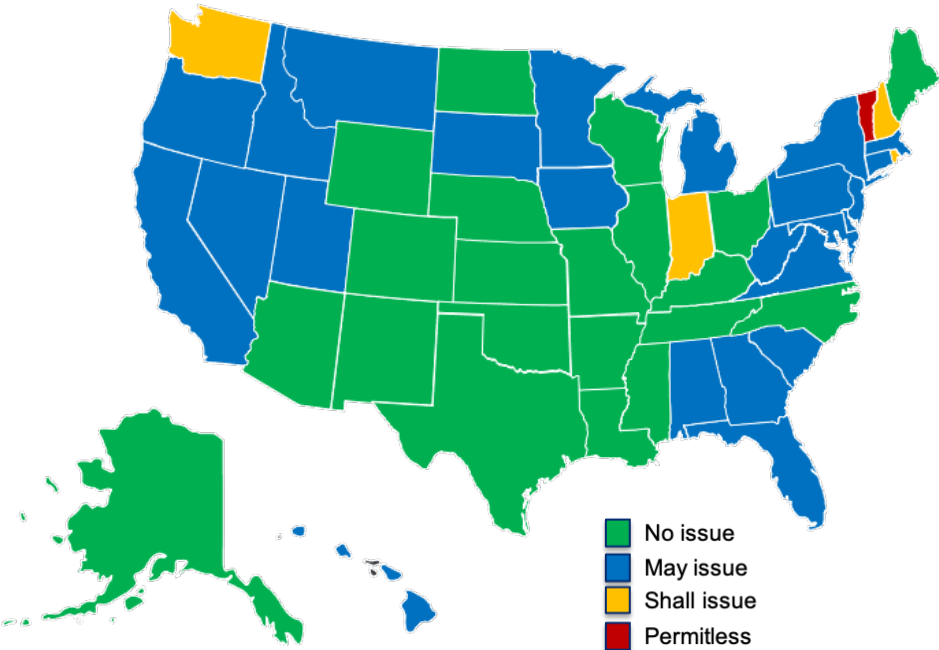
Legal mapping

- ▶ Legal research questions
 - How are states regulating concealed carry?
 - What specific permitting standards do states have?
 - How have state laws changed over time?
- ▶ Standard search terms in Westlaw, HeinOnline, Lexis, and state websites
- ▶ 50 states, 1980–2021
- ▶ State laws coded for overall permitting policy and for specific permitting standards

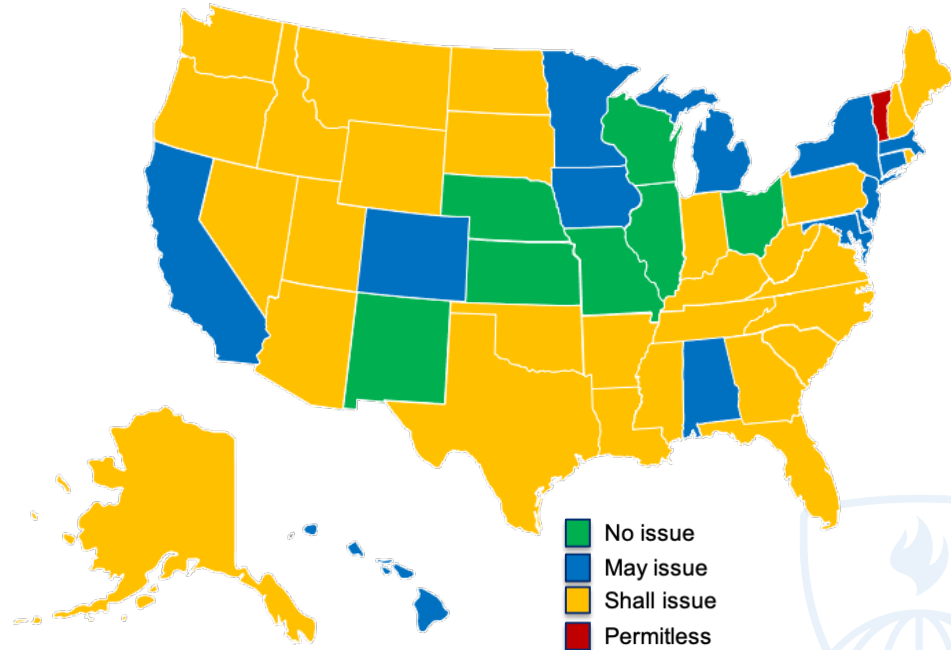


Between 1980 & 2000, most states made it easier to carry

1980

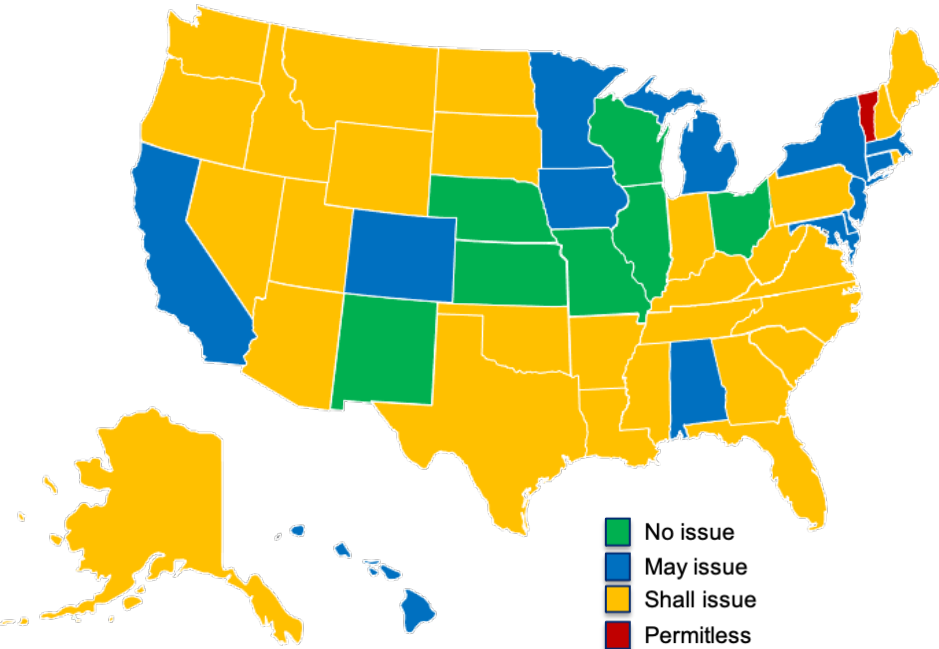


2000

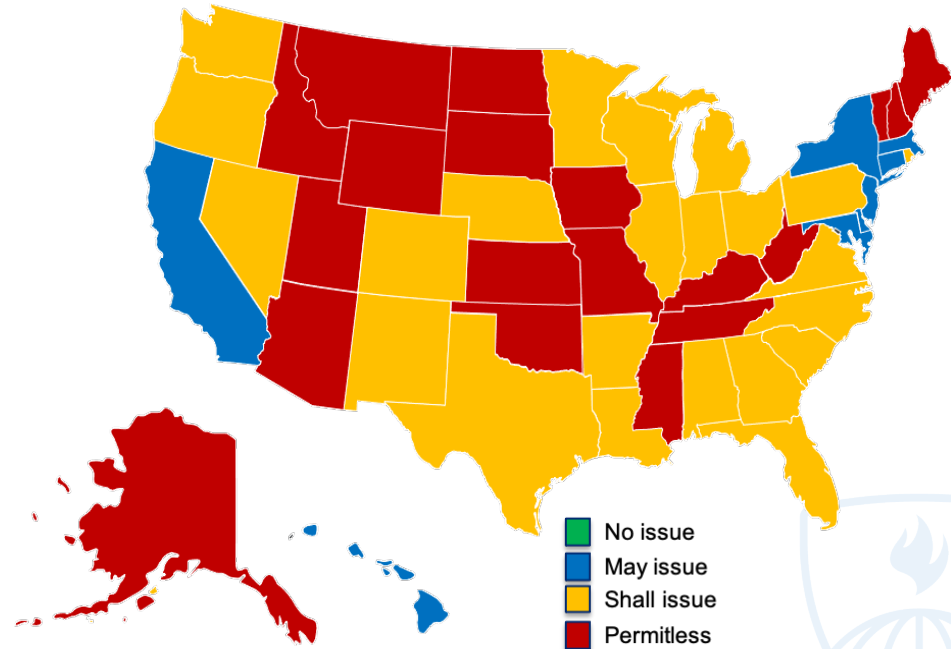


Between 2000 & 2021, many states stopped requiring permits

2000



mid-2021



Specific permitting standards

- ▶ Legal mapping and analysis revealed several common standards relevant to violence prevention
 - Violent misdemeanor prohibitions
 - Training requirement
 - Live fire requirement
 - Other broad “suitability” requirements

- ▶ Shift to shall issue:
 - Additional permitting standards
 - Less discretion for law enforcement



Specific permitting standards

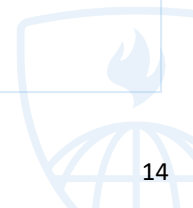
- ▶ Of states with a permit requirement in 1980 and 2019:

	1980 (n=28)	2019 (n= 36)
Violent misdemeanor	11%	69%
Training	11%	78%
Live fire	7%	44%
Other suitability standard	79%	39%



These laws have not been adequately studied

- ▶ Research findings are mixed, but the best research suggests a relationship between concealed carry and violence
 - Shift from may issue to shall issue associated with increased rates of violence crime
 - But, focus has been on overall policy scheme, not permitting standards
 - Limited implications
- ▶ Future research needed:
 - Need to focus on specific permitting standards
 - Equity concerns



Implications, concerns, and continuing work

- ▶ Though research suggests shall issue laws may increase violence, it is politically infeasible to return to a more restrictive scheme
- ▶ Many restrictive policies rely on law enforcement discretion
 - Not likely to be adopted
 - Equity, discrimination concerns
- ▶ Legal mapping reveals important nuances in state concealed carry policies
 - Permitting standards may hold promise as a mechanism for reducing increases in violence without increasing equity concerns
 - Future work needed to determine which of permitting standards affect outcomes and whether the standards are enforced equitably.



New York State Rifle & Pistol Association Inc. v. Bruen

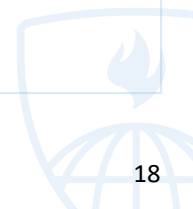
- ▶ Supreme Court will hear arguments November 3, 2021
- ▶ Question presented: Whether the Second Amendment allows the government to prohibit ordinary law-abiding citizens from carrying handguns outside the home for self- defense
- ▶ New York: requires permit applicants to demonstrate "proper cause"
 - Plaintiffs challenged law after applications were denied

New York State Rifle & Pistol Association Inc. v. Bruen, cont.

- ▶ Will the laws be struck down?
- ▶ *How* will the Court decide?
 - Historical assessment of laws?
 - What level of scrutiny?
- ▶ Significant implications for future gun laws and judicial interpretation

Thank you

- ▶ Alex McCourt
amccour1@jhu.edu
[@admccourt](#)



References

1. Swanson JW, Robertson AG, Frisman LK, et al. Preventing gun violence involving people with serious mental illness. In: Webster D, Vernick J, eds. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Baltimore, MD: Johns Hopkins University Press; 2013:33–52.
2. Wright MA, Wintemute GJ, Rivara FP. Effectiveness of denial of handgun purchase to persons believed to be at high risk for firearm violence. *Am J Public Health*. 1999; 89(1):88–90.
3. Wintemute GJ, Wright MA, Drake CM, Beaumont JJ. Subsequent criminal activity among violent mis- demeanorants who seek to purchase handguns: risk factors and effectiveness of denying handgun purchase. *JAMA*. 2001;285(8):1019–1026.
4. Crifasi CK, Merrill-Francis M, McCourt A, Vernick JS, Wintemute GJ, Webster DW. Association between firearm laws and homicide in urban counties. *J Urban Health*. 2018;95(3):383–390.
5. Kagawa RMC, Castillo-Carniglia A, Vernick JS, et al. Repeal of comprehensive background check policies and firearm homicide and suicide. *Epidemiology*. 2018;29(4): 494–502.
6. Castillo-Carniglia A, Webster DW, Cerdá M, et al. California’s comprehensive background check and mis- demeanor violence prohibition policies and firearm mortality. *Ann Epidemiol*. 2019;30:50–56.
7. Fleeegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Intern Med*. 2013; 173(9):732–740.
8. Siegel M, Pahn M, Xuan Z, Fleeegler E, Hemenway D. The impact of state firearm laws on homicide and suicide death rates in the US, 1991–2016: a panel study. *J Gen Intern Med*. 2019;34(10):2021–2028.
9. Rudolph KE, Stuart EA, Vernick JS, Webster DW. Association between Connecticut’s permit-to-purchase handgun law and homicides. *Am J Public Health*. 2015; 105(8):e49–e54.
10. Crifasi CK, Meyers JS, Vernick JS, Webster DW. Effects of changes in permit-to-purchase handgun laws in Connecticut and Missouri on suicide rates. *Prev Med*. 2015;79:43–49.
11. Webster D, Crifasi CK, Vernick JS. Effects of the repeal of Missouri’s handgun purchaser licensing law on homicides. *J Urban Health*. 2014;91(2):293–302.
12. Hasegawa R, Webster D, Small D. Bracketing in the comparative interrupted time-series design to address concerns about history interacting with group: evaluating Missouri’s handgun purchaser law. *Epidemiology*. 2019; 30(3):371–379.
13. Abadie A, Diamond A, Hainmueller J. Synthetic control methods for comparative case studies: estimating the effect of California’s tobacco control program. *J Am Stat Assoc*. 2010;105(490):493–505.
14. Donohue JJ, Aneja A, Weber KD. Right-to-carry laws and violent crime: a comprehensive assessment using panel data and a state-level synthetic control analysis. *J Empir Leg Stud*. 2019;16(2):198–247.



2021

VIRTUAL
PUBLIC HEALTH LAW
CONFERENCE

**Building and Supporting
Healthy Communities
for All**

September 21-23

Undue Burdens and Undoing Precedent: The Regulation of Abortion in the US and Implications for Women's Health

- Joanne Rosen, JD, MA
 - Senior Lecturer
 - Johns Hopkins
Bloomberg School of
Public Health
 - Baltimore, MD

Understanding Abortion within a Public Health Framework

i. The demographics of
abortion

ii. Disparities in abortion
need and access

iii. Consequences of
abortion denial (findings
from the Turnaway
Study)

Abortion and the Legal Landscape: Precedent and Precipice

Texas S.B. 8

*Dobbs v. Jackson
Women's Health
Organization*

And more: Method
bans, reason bans,
gestation bans



Outro Slide

Please remember to fill out the conference survey location in the description of this session



2021

VIRTUAL
PUBLIC HEALTH LAW
CONFERENCE

**Building and Supporting
Healthy Communities
for All**

September 21-23

Legal Tools that Threaten Public Health Progress

Environmental Law, Science and Regulation: From Famine to Feast? A Tale of Two Administrations

Paul A. Locke, MPH, JD, DrPH

Associate Professor

Department of Environmental Health and Engineering

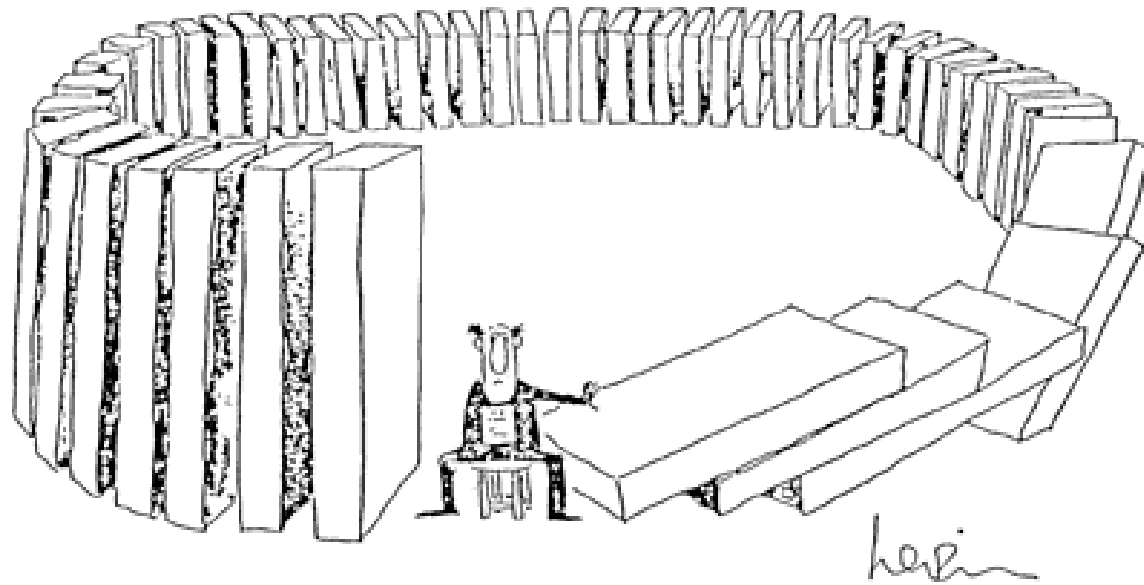


JOHNS HOPKINS
BLOOMBERG SCHOOL
of PUBLIC HEALTH

What I will (try to) cover

- Environmental law/policy as a system
- Two administrations – seismic changes
- Executive branch legal and policy tools
- Some concluding thoughts

Environmental law/policy as system



Drawing by Levin; © 1976 The New Yorker Magazine, Inc.

Trump Administration

2021

**PUBLIC HEALTH LAW
CONFERENCE**

Building and Supporting
Healthy Communities for All

Sep. 21-23, 2021
PHLC2021.org
#PHLC2021


Telling West Virginia's Story







Support TV Radio News Programs/Podcasts Mountain Stage Education Contact Us Search

National Academy Mining Health Study Disbanded

By BRITTANY PATTERSON · MAR 26, 2018

PROGRAM
Ohio Valley
ReSource

 Tweet
  Share
  Google+
  Email



The remains of a strip mine are seen from a mountain top in Pike County, Ky., on Wednesday, September 27, 2017.

BRITTANY PATTERSON / THE PUBLIC BROADCASTING NETWORK



EPA's bold step forward: Good for animals and science, better for people

BY PAUL A. LOCKE, OPINION CONTRIBUTOR — 08/21/19 07:00 AM EDT
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

Just In...

New group of GOP lawmakers file articles of impeachment against Biden
HOUSE — 36S AGO

Meghan McCain: Country has not 'healed' from Trump under Biden
MEDIA — 7M 40S AGO

Closure of border with Mexico extended until Oct. 21
INTERNATIONAL — 16M 51S AGO

Congress needs to push for more accountability in Gymnasts' tragic sex abuse
OPINION — 19M 35S AGO

LA councilman challenging Garcetti with focus on those who are 'barely holding on'
CAMPAIGN — 27M 22S AGO

Pro-tax millionaires call for rejection of infrastructure package without spending plan
HOUSE — 40M 41S AGO

Watch live: DHS Secretary Mayorkas, FBI Director Wray testify on global threats to US
— 46M 35S AGO

Transformation requires investment in public transit
OPINION — 49M 33S AGO

VIEW ALL

View Latest Opinions >>

194 SHARES

 SHARE
  TWEET
 




The recent directive by the Environmental Protection Agency (EPA) that it will reduce, and eventually eliminate, animal testing by 2035 is an important, welcome and overdue action. It is based on scientific and policy advancements that have been in the works for many years.

In 2007, the National Academy of Sciences, Engineering and Medicine (NASEM) issued the report *Toxicity Testing in the 21st Century* that recommended that EPA fundamentally change the way chemicals are tested.

The report concluded that the EPA should move toward a testing system that is more human relevant, cost effective and much less reliant on animal toxicology. EPA's focus should be on evaluating biological processes that can lead to diseases.

To help make the vision of this report a reality, the federal government has invested in the underlying science. EPA launched a computational toxicology research program that includes high-throughput screening and robotics.

The EPA, the Food and Drug Administration (FDA) and the National Institutes of Health (NIH) have created a program called "Tox21," which applies 21st Century scientific tools to screen thousands of compounds for toxicity — without new animal tests.

In addition research universities (including my own) are also working hard to implement this vision. We do not yet have a full suite of non-animal tests ready to go, but these efforts demonstrate that we are serious about moving forward.

Most Popular

- 1 The press ever-so-politely turns...
937 SHARES
- 2 Democrats face bleak outlook in...
790 SHARES
- 3 Graham tries to help Trump and...
741 SHARES
- 4 Eric Trump lawyer in New York...
346 SHARES
- 5 Trump sues NYT, Mary Trump over...
204 SHARES
- 6 McConnell, Shelby offer government...
167 SHARES

LOAD MORE

Video



Author says racism, corporations have been biggest impediments to national health care



EPA “Back to Basics” agenda

EPA'S BACK-TO-BASICS AGENDA

Protecting the environment; engaging with state, local and tribal partners; and creating sensible regulations that enhance economic growth.

- Following the President's Energy Independence Executive Order, Administrator Pruitt signed four notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued. This includes the so-called Clean Power Plan that threatens over 125,000 U.S. jobs.
- EPA is restoring states' important role in the regulation of local waters by reviewing the WOTUS (“waters of the U.S.”) rule.
- EPA is clearing the backlog of new chemicals that were waiting approval from EPA, so they can go to market, and companies can innovate and create jobs.
- EPA is helping states achieve high air quality targets, clean up toxic waste sites and improve America's water infrastructure.
- EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with the U.S. Department of Transportation (DOT) to conduct a collaborative and robust review of the standards.
- The agency is reviewing the Oil and Gas Methane New Source Performance Standards for new and modified sources, to determine whether it is duplicative.
- EPA is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing \$100 million to upgrade drinking water infrastructure in Flint, Michigan.
- EPA is stopping the methane Information Collection Request (ICR) by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding \$42 million.
- Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions.

Source: Administrator Pruitt's speech on 13 April 2017 (see [EPA's back to basics agenda -- two speeches](#))

Trump's goals

- Reduce the burden of regulation, especially for the energy sector
 - Executive order on regulations (two out for every one in)
 - Use of Congressional Review Act to eliminate new regulations
 - Encourage fossil fuel development and build pipelines
- Trump expressed skepticism about climate change science and climate change scientists

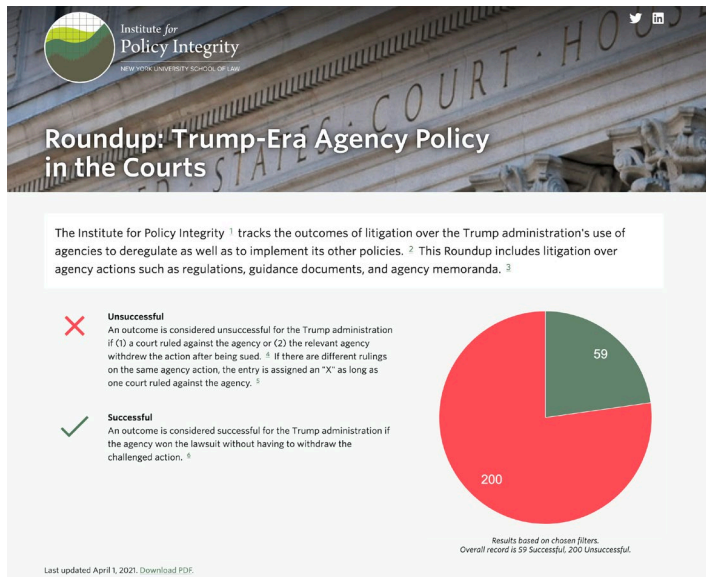
The Trump Administration reversed 100 environmental rules

“After three years in office, the Trump administration has dismantled most of the major climate and environmental policies the president promised to undo.”

	Completed	In progress	Total
Air pollution and emissions	19	8	27
Drilling and extraction	12	8	20
Infrastructure and planning	11	1	12
Animals	9	2	11
Toxic substances and safety	6	2	8
Water pollution	4	7	11
Other	5	6	11
All	66	34	100

Source: New York Times, 20 May 2020

Litigation



Science
Politics & Policy
Justice
Fossil Fuels
Clean Energy

Today's Climate
Projects
About Us

Inside Climate News

Pulitzer Prize-winning, nonpartisan reporting on the biggest crisis facing our planet. [Donate](#)

Politics & Policy

Federal Courts Help Biden Quickly Dismantle Trump's Climate and Environmental Legacy

Trump's success in appointing conservative judges has so far been no match for his team's own ineptitude, the skill of the environmental bar and industry's desire to work with the new administration.

By Marianne Lavelle
March 9, 2021

President Joe Biden speaks in the State Dining Room of the White House on March 6, 2021, in Washington D.C. Credit: Oliver Contrenas/For The Washington Post via Getty Images

Related

- Maryland's Capital City Joins a Long Line of Litigants Seeking Climate-Related Damages from the Fossil Fuel Industry
- Court Strikes Down Trump Rollback of Climate Regulations for Coal-Fired Power Plants
- The Supreme Court Hears Arguments on Climate Change. Is It Ready to Decide Which Courts Have Jurisdiction?

Share this article
[Twitter](#)
[Email](#)
[Facebook](#)
[LinkedIn](#)

Biden Administration

BIDEN
PRESIDENT

JOE'S PLAN FOR
**CLIMATE
& CLEAN
ENERGY**

LEARN MORE →



JOE BIDEN'S

Plan for Clean Energy Revolution and Environmental Justice

- 100% clean energy economy no later than 2050
- Invest in communities hit first and worst by pollution
- Lead the world to exceed Paris Agreement
- Create good-paying jobs in clean energy, transportation, and infrastructure

**CHANGE
THE CLIMATE** | **2020**
A PROJECT OF LCV



Climate & Environment

Tracking Biden's environmental actions

As Biden unwinds dozens of Trump's energy and environmental policies, he's forging his own



By [Juliet Eilperin](#), [Brady Dennis](#) and [John Muyskens](#)

Updated May 26 at 12:41 p.m.

The Biden administration enacted two policies Wednesday aimed at restoring scientific integrity in environmental policymaking, by jettisoning a rule restricting what studies could inform public health rules and protecting an imperiled bird under the Endangered Species Act.

Climate & Environment

Tracking Biden's environmental actions

As Biden unwinds dozens of Trump's energy and environmental policies, he's forging his own.



By [Juliet Eilperin](#), [Brady Dennis](#) and [John Muyskens](#)

Updated Sept. 21 at 7:27 p.m.

In the scorching first summer of Joe Biden's presidency, the nation has grappled with deadly heat waves, raging wildfires, deepening drought — and calls from the president's allies for more urgent action to combat climate change.

Even as he has faced criticism for not moving quickly or boldly enough to reduce the country's greenhouse gas emissions, create jobs in a greener economy and alleviate pollution impacting poor and minority communities, Biden has continued to pursue swaths of his climate agenda.

Legal and Policy tools – Executive Branch

- International agreements and accords
- Executive orders
- Budgeting
- Agency leadership appointments
- Guiding/consolidating/canceling agency research programs and studies
- Setting agency priorities
- Flexibility in enforcement
- “Moving the boxes”
- Cooperative federalism (state/federal dynamic)
- Choices about litigation

Concluding Thoughts



“And, finally, where do you see yourself in five years?”



**Please remember to fill out the conference survey location
in the description of this session**

2021

**PUBLIC HEALTH LAW
CONFERENCE**

**Building and Supporting
Healthy Communities for All**

**Sep. 21-23, 2021
PHLC2021.org
#PHLC2021**

Thanks!

Paul A. Locke

plocke@jhu.edu

Twitter: @DrLockeJHU



**JOHNS HOPKINS
BLOOMBERG**
SCHOOL *of* PUBLIC HEALTH