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The Evolving Fight Against Gun Violence

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Using the Insights of Behavioral Economics to Transform the U. S. Healthcare System
Paul C. Sorum, Christopher Stein, and Dale L. Moore

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Symposium Articles

**The Evolving
Fight Against
Gun Violence**

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Michael R. Ulrich

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*Letter from
the Editor*

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Differences in Perceptions of Gun-Related Safety by Race and Gun Ownership in the United States
Julie A. Ward, Mudia Uzzi, Talib Hudson, Daniel W. Webster, and Cassandra K. Crifasi

Motivated by disparities in gun violence, sharp increases in gun ownership, and a changing gun policy landscape, we conducted a nationally representative survey of U.S. adults (n=2,778) in 2021 to compare safety-related views of white, Black, and Hispanic gun owners and non-owners. Black gun owners were most aware of homicide disparities and least expecting of personal safety improvements from gun ownership or more permissive gun carrying. Non-owner views differed. Health equity and policy opportunities are discussed.

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Missouri Citizen Perceptions: Giving Second Amendment Preservation Legislation a Second Look
Kerri M. Raissian, Jennifer Dineen, Mitchell Doucette, Damion Grasso, and Cassandra Devaney

In June 2021, Missouri passed the "Second Amendment Preservation Act" (SAPA). Though SAPA passed easily and had gubernatorial support, many Missouri law enforcement agencies, including the Missouri Sheriff's Association, oppose it. Missing from this policy conversation, and deserving of analysis, is the voice of Missouri citizens. Using the qualitative interview data and data from the survey, we explored what if anything Missouri gun owners knew about SAPA and what they perceived its effects would be on gun-related murders, suicides, gun thefts, and mass shootings. Most Missouri gun owners had not heard about SAPA and were ambivalent about its potential effect on gun safety outcomes. Our findings also indicate that respondents' attitudes toward SAPA and the impact of such policy on safety is driven by gun ownership (i.e., primary versus living in a household with firearms), partisan identification, and attitudes toward government firearm regulation.

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Gender and Stand Your Ground Laws: A Critical Appraisal of Existing Research
Caroline Light, Janae Thomas, and Alexa Yakubovich

This paper evaluates the existing research on Stand Your Ground (SYG) laws in terms of the extent to which it has accounted for gender. In particular, we address (a) what the available evidence suggests are the gender-based impacts of SYG laws and (b) where, how, and why considerations of gender may be missing in available studies. The essay proceeds as follows: first, a summary of SYG laws; second, a critical review of existing scholarship on the gender implications of SYG laws, divided based on (a) empirical quantitative and qualitative studies, and (b) sociolegal, philosophical, and historical work; third, identification of evidence gaps around *intersectional* analysis – which considers the simultaneity of race, class, and other categories of identity that influence the way gender is interpreted and experienced – alongside historic and other considerations for contemporary SYG laws expanding civilian rights to use deadly force in self-defense more generally; finally, we outline our recommendations for more rigorous, intersectional gender analysis of SYG laws and the impacts of these laws on existing socio-legal inequities.

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Intimate Partner Violence, Firearm Injuries and Homicides: A Health Justice Approach to Two Intersecting Public Health Crises
Elizabeth Tobin-Tyler

More than half of all intimate partner homicides involve a firearm and firearms are frequently used by perpetrators of intimate partner violence (IPV) to injure and threaten victims and survivors. Recent court decisions undermine important legal restrictions on firearm possession by IPV perpetrators, thus jeopardizing the safety of victims and survivors. This article reviews the history and recent developments in the law at the intersection of IPV and firearm violence and proposes a way forward through a health justice framework.

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**Curbing the Epidemic of Community
Firearm Violence after the *Bruen*
Decision**

Jonathan Jay and Kalice Allen

The Supreme Court's decision in *New York State Rifle & Pistol Association Inc. v. Bruen* undermines the ability of cities and states to regulate firearms safety. Nonetheless, we remain hopeful that firearm violence can decline even after the *Bruen* decision. Several promising public health approaches have gained broader adoption in recent years. This essay examines the key drivers of community firearm violence and reviews promising strategies to reverse those conditions, including community violence intervention (CVI) programs and place-based and structural interventions.

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**Leveraging Community Context, Data,
and Resources to Inform Suicide
Prevention Strategies**

Leslie M. Barnard, Talia L. Spark, Colton Leavitt, Jacob Leary, Lee J. Lehmkuhl, Nicole Johnston, and Erik A. Wallace

Colorado has consistently had one of the highest rates of suicide in the United States, and El Paso County has the highest number of suicide and firearm-related suicide deaths within the state. Community-based solutions like those of the Suicide Prevention Collaborative of El Paso County may be more effective in preventing suicide as they are specific to local issues, sensitive to local culture, and informed by local data, community members, and stakeholders.

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Ethical Considerations**

*Evan Vitiello, Kelly Roskam,
and Jeffrey Swanson*

In COVID's immediate wake, the 2020 death toll from a different enemy of the public's health — gun violence — ticked up by 15 percent in the United States from the previous year. Meanwhile, the U.S. Supreme Court issued an opinion in *Caniglia v. Strom* that will allow people who have recently threatened suicide — with a gun — to keep unsecured guns in their home unless police take time to obtain a search warrant to remove them. Lower courts had ruled that this kind of situation justified police seizing a person's firearms immediately, acting in their role as community caretakers to prevent an imminent suicide. This article discusses *Caniglia*, the inapplicability of community caretaking, and the elastically defined terms "exigency" and "imminence" in light of the scientific literature on suicide risk assessment. We propose the broadened use of extreme risk protection order (ERPOs) as a potential solution to the *Caniglia* and exigency problems, especially if ERPOs could be brought to scale, and with more involvement of behavioral health clinicians in the ERPO process. The Bipartisan Safer Communities Act of 2022 provides a critical opportunity to expand the use of ERPOs. We argue that

permitting clinicians to petition a court to remove firearms temporarily from persons in a dangerous crisis, with statutorily defined immunity protections for petitions in good faith, represents an ethical and effective intervention. We illustrate this argument with a hypothetical case discussion.

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**Decisions about College Football during
Covid-19: An Ethical Analysis**

*Christine M. Baugh, Leonard Glantz,
and Michelle M. Mello*

This manuscript uses competitive college football as a lens into the complexities of decision-making amid the Covid-19 pandemic. Pulling together what is known about the decision-makers, the decision-making processes, the social and political context, the risks and benefits, and the underlying obligations of institutions to these athletes, we conduct an ethical analysis of the decisions surrounding the 2020 fall football season. Based on this ethical analysis, we provide key recommendations to improve similar decision processes moving forward.

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**Republicans, Democrats, & Doctors: The
Lawmakers Who Wrote Sterilization Laws**

Paul A. Lombardo

During the 20th Century, thirty-two state legislatures passed laws that sanctioned coercive sexual sterilization as a solution to the purported detrimental increases in the population of "unfit" or "defective" citizens. While both scholarly and popular commentary has attempted to attribute these laws to political parties, or to broad or poorly defined ideological groups such as "progressives," no one has identified the political allegiance of each legislator who introduced a successfully adopted sterilization law, and the governor who signed it. This article remedies that omission. It also catalogues the political parties of the lawmakers and governors who were instrumental in passing bills that were subsequently vetoed, as well as the profession/occupation of lawmakers as a possible clue to their support of sterilization laws. In light of these findings, it is clear that knowing a legislator or governor's political party is of little value in explaining the success of sterilization laws. Similarly, using words like "progressive" to signal historically "eugenic" enactments obfuscates the changing nature of political parties and the heterogeneity of political ideologies over time. Identifying the occupation of a lawmaker also provides informative, though hardly definitive, data. Twelve of the successful sterilization bills were sponsored by physicians.

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Integrating Health Technology Assessment and the Right to Health in South Africa: A Qualitative Content Analysis of Substantive Values in Landmark Judicial Decisions

Michael J. DiStefano, Safura Abdool Karim, Carleigh B. Krubiner, and Karen J. Hofman

The World Health Assembly has encouraged WHO member-states to establish capacity in health technology assessment (HTA) as a support for achieving universal health coverage (UHC). Simultaneously, the WHO has stated that UHC is “a practical expression of the concern for health equity and the right to health.” This has prompted questions about potential tensions between priority-setting efforts and the right to health on the road to UHC. South Africa (SA) is an ideal setting in which to explore how the priority-setting work of an HTA body may be integrated with an existing rights framework. First, as SA moves toward UHC with its National Health Insurance program, there is a commitment to establishing an HTA body to inform coverage decisions. Second, the Constitution explicitly includes “the right to have access to healthcare services.” Our study describes insights drawn from landmark health rights cases — related to the identification, interpretation, and balancing of substantive values — that can inform the development and application of HTA to support NHI. Our findings support the possibility of a mutually supportive relationship between a rights-based and priority-setting approach to achieving UHC.

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“Comprehensive Healthcare for America”: Using the Insights of Behavioral Economics to Transform the U. S. Healthcare System

Paul C. Sorum, Christopher Stein, and Dale L. Moore

“Comprehensive Healthcare for America” is a largely single-payer reform proposal that, by applying the insights of behavioral economics, may be able to rally patients and clinicians sufficiently to overcome the opposition of politicians and vested interests to providing all Americans with less complicated and less costly access to needed healthcare.

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Do Physicians have a Duty to Discuss Expanded Access to Investigational Drugs with their Patients? A Normative Analysis

Stefan F. Vermeulen, Marjolijn Hordijk, Ruben J. Visser, and Eline M. Bunnik

Drawing on ethical and legal frameworks in the Netherlands, and in the United States and France, we examine whether physicians are expected to inform patients about potentially relevant opportunities for expanded access to investigational drugs. While we found no definitive legal obligation, we argue that physicians have a moral obligation to discuss opportunities for expanded access with patients who have run out of treatment options to prevent inequality, to promote autonomy, and to achieve beneficence.

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Reasonable Accommodation and Disparate Impact: Clean Shave Policy Discrimination in Today’s Workplace

Yucheng (Renee) Jiang

This article examines *Bev v. City of New York* — a recent Second Circuit case where four Black firefighters suffering from Pseudofolliculitis Barbae (a skin condition causing irritation when shaving which mostly affects Black men) challenged the New York City Fire Department’s Clean Shave Policy — with an intersectional approach utilizing legal theories of racial, disability, and religious discrimination.

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Advocating for Abolition in Health Law: A Theory and Praxis to Liberate Black Incarcerated Women

Hala Baradi

The prison-industrial complex has historically operated as a mechanism for social control generally and as a tool to restrict women’s reproductive capacities specifically. Reproductive justice is a domain within the practice of health law. However, health law as currently practiced is ill-equipped to understand how the carceral state functions as a structural determinant of health or how legacies of oppression have facilitated the abridgment of incarcerated women’s reproductive capacities. Although several reforms nationwide have attempted to alleviate the harsh effects of the punitive system, they are unable to address the forces by which these women were incarcerated in the first place. Abolition is a theory and praxis that calls for dismantling the prison-industrial complex and creating systems that center life rather than punishment. Abolition can also serve as a framework to reimagine health law and what it means to care for one another on a social level.

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