

Supreme Court strikes down New York’s reasonable concealed-carry law

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Editor’s note: *By a 234–193 vote in the House of Representatives and a 65–33 vote in the Senate, Congress has passed the AMA-supported, bipartisan “Safer Communities Act.” President Joe Biden signed the bill into law June 25.*

“This law will save lives,” AMA President Jack Resneck Jr., MD, said in a statement, noting that it will fund red-flag programs, close loopholes and expand background checks on buyers under 21. “This law isn’t a panacea, and more work remains to prevent firearm violence, but it is an important, critical step in the right direction.”

What’s the news: A New York law limiting the concealed carrying of firearms in public to those who demonstrated proper cause for needing to do so—such as documented threats of physical violence against them—was struck down by the U.S. Supreme Court in a 6–3 ruling ([PDF](#)).

The AMA noted its deep disappointment with the Court’s “harmful and disturbing decision” to rule against the law, which it described as an “appropriate and constitutional response to the scourge of firearm violence” in New York communities.

“Firearm violence is a public health crisis, and easier access to weapons and fewer restrictions on who can carry them—and where they can be carried—are dangerous steps in the wrong direction,” said AMA President Jack Resneck Jr., MD. “Overturning decades of reasonable firearm regulations will cost more lives.”

The Litigation Center of the American Medical Association and State Medical Societies, the Medical Society of the State of New York, American Academy of Pediatrics and the American Academy of Child and Adolescent Psychiatry had filed an amicus brief ([PDF](#)) urging the Supreme Court to uphold a lower-court decision and arguing that the law’s requirements do not violate the Second Amendment.

The brief noted that more than 8,800 New Yorkers died of firearm-related injuries between 2010 and 2019, and that firearm violence “is a grave public health crisis that must be addressed by measures such as New York’s concealed carry law.”

In deciding the case—*New York State Rifle & Pistol Association Inc. et al. v. Bruen* (PDF)—the Court’s majority opinion, written by Justice Clarence Thomas, declared that the law violated the petitioners’ Second Amendment rights and, in so doing, violated their rights under the 14th Amendment, which protects against states making laws that deny equal protection and “abridge the privileges” of U.S. citizens.

California, Hawaii, Maryland, Massachusetts and New Jersey have “proper cause” standards similar to New York’s and all have been upheld in appellate court—though a similar standard in the District of Columbia has been permanently enjoined since 2017.

Why it’s important: The amicus brief from the AMA and others argued that New York has the right to “enforce its reasonable licensing requirements for individuals who wish to carry concealed handguns in public spaces, including our streets, highways, stores, shopping malls, movie theaters, Little League games, hospitals, subway cars, concert halls, football stadiums, outdoor festivals, bars, restaurants, basketball courts, parks, political rallies, houses of worship, and other crowded venues filled with children and adults alike.”

In addition to legal arguments, the brief presented stories from 14 physicians who treat gunshot victims and who have witnessed how easy access to firearms contributes to a high number of suicide attempts.

“The firearm violence that is plaguing America is a public health crisis that amici’s members face every day,” the brief states. “They witness the reality, the brutal effects on our bodies, the deaths, the grief, the suffering, and the lifelong physical, psychological, social and economic consequences that follow survivors who can never be made whole.”

Dr. Resneck echoed this point.

“As leaders in medicine, our unique perspective on firearm violence as a grave public health crisis is informed by scientific research and the clinical experiences of physicians,” said Dr. Resneck. “In emergency departments across the country, physicians are firsthand witnesses to the catastrophic fallout of firearm violence while caring for victims with devastating, life-threatening injuries that are preventable.”

The brief includes the story of Joseph Sakran, MD, Director of Emergency General Surgery at Johns Hopkins Hospital, who was shot in the throat at age 17.

Dr. Sakran's story was highlighted in "Commonsense gun laws can help end firearm violence," a Leadership Viewpoints column written by AMA Immediate Past President Gerald E. Harmon, MD.

"It makes no sense to Dr. Sakran, and it makes no sense to me, to throw out appropriate and lawful concealed-carry laws such as the one in place today in New York," Dr. Harmon wrote last fall. "We will never end the scourge of gun violence by allowing more people to carry more firearms in more places."

Learn more: At the 2022 AMA Annual Meeting held this month in Chicago, Dr. Harmon declared "enough is enough" regarding out-of-control gun violence.

The AMA House of Delegates responded, and adopted new policies to support regulating homemade weapons known as "ghost guns," research warning labels on ammunition packages, and considering the mental health of schoolchildren as they engage in active-shooter drills.

Dr. Harmon also expressed the AMA's support for the bipartisan blueprint to address firearm violence currently before Congress.

Delegates first declared firearm violence to be a public health crisis at their 2016 Annual Meeting, which convened after the mass shooting at the Pulse nightclub in Orlando where 49 people were killed.

Dr. Resneck vowed that AMA advocacy will continue.

"While we are discouraged that the high court did not recognize New York's concealed carry measure as a lawful and necessary response to curbing firearm-related violence—the AMA will remain a strong advocate for firearm regulations as an essential element of effective public-safety policy," he said.