

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 405
(A-24)

Introduced by: Medical Student Section

Subject: Default Proceed Firearm Sales and Safe Storage Laws

Referred to: Reference Committee D

1 Whereas, default proceed sales, referred to as the “Charleston loophole,” allow vendors to
2 proceed with firearm sales if a background check is inconclusive after three business days, and
3 related deaths and injuries have resulted in \$88 million in settlements¹⁻³; and
4

5 Whereas, in 2021, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) received
6 5,201 transaction denials due to delayed background checks, which are intended to result in
7 retrieval of firearms from individuals who were able to purchase a firearm but later failed their
8 background check⁴⁻⁹; and
9

10 Whereas, perpetrators in both the 2015 Charleston Church and 2017 Sutherland Springs
11 shootings obtained firearms through default proceed sales, despite criminal records that should
12 have restricted them from purchasing firearms⁹⁻¹¹; and
13

14 Whereas, 22% of default proceed sales in 2018 resulted in transfer of a gun to prohibited
15 purchasers with a history of domestic violence¹²; and
16

17 Whereas, 77% of delayed background checks remain unresolved after 88 days, resulting in
18 destruction of the record, the transaction request, and any data collected from the Federal
19 Bureau of Investigation’s National Instant Criminal Background Check System¹³⁻¹⁵; and
20

21 Whereas, while the AMA has supported the Bipartisan Background Checks Act, the AMA has
22 not publicly supported the Default Proceed Sale Transparency Act¹⁶⁻¹⁸; and
23

24 Whereas, the Giffords Law Center defines safe storage of firearms as locked storage of an
25 unloaded firearm with ammunition stored in a separate location¹⁹; and
26

27 Whereas, while the AMA supports child access prevention (CAP) laws, these laws vary widely
28 in their applicability, with some only applying if reasonable belief exists that a child could gain
29 access to the firearm, some only if a child does gain access to a firearm, and some only if a
30 child causes injury or death with a firearm¹⁹⁻²⁰; and
31

32 Whereas, unlike CAP laws, safe storage laws broadly require storage that also prevents access
33 by unauthorized adults and firearm theft²⁰; and
34

35 Whereas, 20 states have CAP laws, but only 5 states have safe storage laws²⁰⁻²¹; and
36

37 Whereas, 1 million firearms were stolen from private owners from 2017 to 2021, and studies
38 indicate that guns stored unlocked are more likely to be stolen and that 80% of perpetrators in
39 K-12 school shootings stole their firearms from a relative²²⁻²⁵; and
40

1 Whereas, most firearms used in crimes start as legal purchases that are later trafficked as
2 illegal firearms, often through theft, with nearly half of the 1.4 million documented firearms used
3 in crimes from 2017 to 2021 being purchased 3 years or less prior to the crime²⁶⁻²⁹; and
4

5 Whereas, the majority of stolen firearms are stolen from vehicles, with at least 40,000 firearms
6 stolen in 2020³⁰⁻³¹; and
7

8 Whereas, while household access to a firearm is associated with a 1700% increased suicide
9 risk, safe storage can account for 60% of the reduction in suicide mortality³²⁻³⁶; and
10

11 Whereas, the AMA has not publicly supported the Firearm Owners Responsibility and Safety
12 Act, which would have created a comprehensive federal safe storage requirement not limited to
13 child access³⁷; therefore be it
14

15 RESOLVED, that our American Medical Association amend Policy H-145.996, "Firearm
16 Availability," by addition as follows; and be it further
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18 Firearm Availability H-145.996

19 1. Our AMA: (a) advocates a waiting period and background check for
20 all firearm purchasers; (b) encourages legislation that enforces
21 a waiting period and background check for all firearm purchasers;
22 (c) opposes firearm sales to individuals for whom a background
23 check has not been completed; (d) opposes destruction of any
24 incomplete background checks for firearm sales; (e) advocates for
25 public annual reporting by relevant agencies on inappropriate
26 firearm sales, including number of default proceed sales; number of
27 firearms retrieved from individuals after these sales through
28 criminal investigations, across state lines, or via other means; and
29 average time passed between background check completion and
30 retrieval; and (f) urges legislation to prohibit the manufacture, sale
31 or import of lethal and non-lethal guns made of plastic, ceramics, or
32 other non-metallic materials that cannot be detected by airport and
33 weapon detection devices.

34 2. Our AMA supports requiring the licensing/permitting of firearms-
35 owners and purchasers, including the completion of a required
36 safety course, and registration of all firearms.

37 3. Our AMA supports "gun violence restraining orders" for
38 individuals arrested or convicted of domestic violence or stalking,
39 and supports extreme risk protection orders, commonly known as
40 "red-flag" laws, for individuals who have demonstrated significant
41 signs of potential violence. In supporting restraining orders and
42 "red-flag" laws, we also support the importance of due process so
43 that individuals can petition for their rights to be restored.

44 4. Our AMA advocates for (a) federal and state policies that prevent
45 inheritance, gifting, or transfer of ownership of firearms without
46 adhering to all federal and state requirements for background
47 checks, waiting periods, and licensure; (b) federal and state policies
48 to prevent "multiple sales" of firearms, defined as the sale of
49 multiple firearms to the same purchaser within five business days;
50 and (c) federal and state policies implementing background checks
51 for ammunition purchases.

52 (Modify Current HOD Policy); and be it further

1 RESOLVED, that our American Medical Association amend Policy H-145.990, "Prevention of
2 Firearm Accidents in Children," by addition as follows:

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4 Prevention of Firearm Accidents in Children H-145.990

5 1) Our AMA (a) supports increasing efforts to reduce pediatric
6 firearm morbidity and mortality by encouraging its members to (i)
7 inquire as to the presence of household firearms as a part of
8 childproofing the home; (ii) educate patients to the dangers of
9 firearms to children; (iii) encourage patients to educate their
10 children and neighbors as to the dangers of firearms; and (iv)
11 routinely remind patients to obtain firearm safety locks, to store
12 firearms under lock and key, and to store ammunition separately
13 from firearms;(b) encourages state medical societies to work with
14 other organizations to increase public education about firearm
15 safety; (c) encourages organized medical staffs and other physician
16 organizations, including state and local medical societies, to
17 recommend programs for teaching firearm safety to children; and
18 (d) supports enactment of Child Access Prevention laws and other
19 types of comprehensive safe
20 storage laws that are consistent with AMA policy.

21 2) Our AMA and all interested medical societies wil (a) educate the
22 public about: (b) best practices for firearm storage safety; (c)
23 misconceptions families have regarding child response to
24 encountering a firearm in the home; and (c) the need to ask other
25 families with whom the child interacts regarding the presence and
26 storage of firearms in other homes the child may enter.

27 (Modify Current HOD Policy)

Fiscal Note: Minimal - less than \$1,000

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RELEVANT AMA POLICY

H-145.970 Violence Prevention

Our AMA: (1) encourages the enactment of state laws requiring the reporting of all classes of prohibited individuals, as defined by state and federal law, to the National Instant Criminal Background Check System (NICS); (2) supports federal funding to provide grants to states to improve NICS reporting; and (3) encourages states to automate the reporting of relevant information to NICS to improve the quality and timeliness of the data. [BOT Rep. 11, I-18; Reaffirmed: CSAPH Rep. 3, I-21]

H-145.972 Firearms and High-Risk Individuals

Our AMA supports: (1) the establishment of laws allowing family members, intimate partners, household members, and state, federal, local, and tribal law enforcement personnel to petition a court for the removal of a firearm when there is a high or imminent risk for violence; and (2) the establishment of laws and procedures through which physicians and other medical professionals can, in partnership with appropriate parties, contribute to the inception and development of such petitions; (3) prohibiting persons who are under domestic violence restraining orders, convicted of misdemeanor domestic violence crimes or stalking, from possessing or purchasing firearms; (4) expanding domestic violence restraining orders to include dating partners; (5) requiring states to have protocols or processes in place for requiring the removal of firearms by prohibited persons; (6) requiring domestic violence restraining orders and gun violence restraining orders to be entered into the National Instant Criminal Background Check System; and (7) efforts to ensure the public is aware of the existence of laws that allow for the removal of firearms from high-risk individuals.

Our AMA will work with relevant parties to update medical curricula and physician training regarding how to approach conversations with patients and families and to utilize Extreme Risk Protection Orders. [CSAPH Rep. 04, A-18; Reaffirmed: BOT Rep. 11, I-18; Reaffirmed: CSAPH Rep. 3, I-21; Modified: Res. 405, A-23]

H-145.991 Waiting Periods for Firearm Purchases

The AMA supports using its influence in matters of health to effect passage of legislation in the Congress of the U.S. mandating a national waiting period that allows for a police background and positive identification check for anyone who wants to purchase a handgun from a gun dealer anywhere in our country. [Sub. Res. 34, I-89; Reaffirmed: BOT Rep. 8, I-93; Reaffirmed: BOT Rep. 50, I-93; Reaffirmed: CSA Rep. 8, A-05; Reaffirmation A-07; Reaffirmed: BOT Rep. 22, A-17; Modified: Res. 401, A-17; Reaffirmation: A-18; Reaffirmation: I-18]

H-145.992 Waiting Period Before Gun Purchase

The AMA supports legislation calling for a waiting period of at least one week before purchasing any form of firearm in the U.S. [Res. 171, A-89; Reaffirmed: BOT Rep. 50, I-93; Reaffirmed: CSA Rep. 8, A-05; Reaffirmation A-07; Reaffirmed: BOT Rep. 22, A-17; Reaffirmation: A-18]

H-145.978 Gun Safety

Our AMA: (1) recommends and promotes the use of trigger locks and locked gun cabinets as safety precautions; and (2) endorses standards for firearm construction reducing the likelihood of accidental discharge when a gun is dropped and that standardized drop tests be developed. [Res. 425, I-98; Reaffirmed: Res. 409, A-00; Reaffirmed: CSAPH Rep. 1, A-10; Reaffirmation A-13; Modified: CSAPH Rep. 8, A-23]

H-145.999 Gun Regulation

Our AMA supports stricter enforcement of present federal and state gun legislation and the imposition of mandated penalties by the judiciary for crimes committed with the use of a firearm, including the illegal possession of a firearm. [Sub. Res. 31, I-81; Reaffirmed: CLRPD Rep. F, I-91; Amended: BOT Rep. I-93-50; Reaffirmed: Res. 409, A-00; Reaffirmation A-07; Reaffirmed: BOT Rep. 22, A-17; Modified: Res. 401, A-17; Reaffirmation: I-18]