

IT'S THE METHOD, NOT THE MADNESS: SUICIDE PREVENTION THROUGH "MEANS SAFETY" IMPLEMENTATION FOR FIREARMS IN THE UNITED STATES

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ABSTRACT

In 1963, Sylvia Plath died by placing her head inside an oven fueled by highly toxic gas. At the time, domestic gas poisoning was the leading cause of suicidal death in the United Kingdom. Had she moved to London ten years later, when toxic gas was completely phased out, she might still be alive. Research on suicide shows that those who die by suicide often decide on one method and wait for an opportunity in which that method can be used. If the method remains unavailable, few will search for another. This is the essence of coupled behavior: the idea that certain behaviors are inextricably intertwined with time, place, and context. Blocking opportunities, even for deeply motivated acts, does not result in a displacement of behavior. Hence, restricting access to highly available, highly lethal methods of suicide can reduce the overall suicide rate. What would happen if the United States restricted access to its leading cause of suicide: firearms? Certain state laws, such as those that require waiting periods and background checks for firearm purchases, have been successful in reducing a state's overall suicide rate. Laws targeting access to firearms can prevent successful suicide attempts and decrease the overall suicide rate. Understanding suicide with a coupled lens will allow the United States to create

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successful preventative measures. This Note applies the psychological lens of coupled behavior to firearms and suicides in the United States. It discusses why the federal government must act to restrict access to firearms using the four types of state laws that have shown success in reducing the overall suicide rate.

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INTRODUCTION

In October 1962, Sylvia Plath wrote, "Dying / Is an art, like everything else / I do it exceptionally well / I do it so it feels like hell."¹ She had just moved from the English countryside to a flat in London with her two young children.² Despite the collapse of her marriage to fellow poet Ted Hughes, Plath had a burst of creative energy that culminated in two things: a collection of poems that catapulted her career, and her death.³ Four months after writing *Lady Lazarus*, she took her own life by turning on her "town gas" kitchen oven in her London flat and placing her head inside.⁴ She was only thirty years old and on the precipice of becoming one of the most celebrated young poets in the world.⁵

Plath is infamous for her suicide, then subsequently recognized for her literary works.⁶ Plath's work illustrates an honest expression of self-destruction, paralleling her own life.⁷ Fellow writer A. Alvarez believed the poems Plath wrote leading up to her death made "poetry and death inseparable . . . the poems read as though they were written posthumously."⁸ The poems written before her death feel as though they "trace an emotional

1. Sylvia Plath, *Lady Lazarus*, POETS.ORG, <https://poets.org/poem/lady-lazarus> [<https://perma.cc/4N5F-WURF>] (last visited Apr. 8, 2025).

2. MALCOLM GLADWELL, TALKING TO STRANGERS: WHAT WE SHOULD KNOW ABOUT THE PEOPLE WE DON'T KNOW 265 (2019).

3. Sylvia Plath, POETRY FOUND. [hereinafter *Sylvia Plath Biography*, POETRY FOUND.], <https://www.poetryfoundation.org/poets/sylvia-plath> [<https://perma.cc/6S9W-7ZYV>] (last visited Apr. 8, 2025).

4. Sylvia Plath, POETS.ORG, <https://poets.org/poet/sylvia-plath> [<https://perma.cc/2CRC-JXNC>] (last visited Apr. 8, 2025); GLADWELL, *supra* note 2, at 267.

5. GLADWELL, *supra* note 2, at 266, 268.

6. See Kaleena Fraga, *The Haunting Story of How Sylvia Plath Died and the Tragic Events That Led up to It*, ALL THAT'S INTERESTING, <https://allthatsinteresting.com/sylvia-plath-death> [<https://perma.cc/N3B6-P75V>] (Feb. 13, 2023) ("Today, Sylvia Plath is remembered two ways. Certainly, . . . for her prolific creative output . . . But Sylvia Plath's death informs her legacy as well."); see also *Sylvia Plath Biography*, POETRY FOUND., *supra* note 3.

7. See *Sylvia Plath Biography*, POETRY FOUND., *supra* note 3 ("Intensely autobiographical, Plath's poems explore her own mental anguish, her troubled marriage to fellow poet Ted Hughes, her unresolved conflicts with her parents, and her own vision of herself.").

8. *Id.* It is almost impossible to read about Sylvia Plath without a mention of this quote. *E.g.*, *id.*; Fraga, *supra* note 6.

descent to an inevitable suicide.”⁹ At times, it feels as if Plath’s works can only be read in the context of her decision to die by suicide, but this would be naive.¹⁰ Failing to see Plath in the broader context of her life at the time of her death erases the circumstances that surround how she died.¹¹ If we were to look beyond Plath’s idealization of suicide, we begin to see the importance of how she died, not just why.

In 1963, Sylvia Plath died of carbon monoxide poisoning after sticking her head inside her kitchen oven.¹² That same year, 2,367 other people would die by the same method; this was the peak of the British Town Gas Story.¹³ The British Town Gas Story occurred utterly by chance but has proven to be one of the most remarkable discoveries in the study of suicide.¹⁴ Beginning in the 1950s, England and Wales began using town gas, or coal gas, to fuel domestic homes.¹⁵ Unburned, town gas contained high levels of carbon monoxide and, therefore, was incredibly toxic.¹⁶ It was such a simple and convenient way to commit suicide that a psychologist described town gas ovens as “the execution chamber in everyone’s kitchen.”¹⁷ Throughout the late 1950s and early 1960s, the overall suicide rate rapidly increased,

9. Robert F. Howe, *Seeing Sylvia Plath*, SMITHSONIAN MAG. (Nov. 2003), <https://www.smithsonianmag.com/arts-culture/seeing-sylvia-plath-92570073/> [<https://perma.cc/D3L8-QHW6>].

10. See GLADWELL, *supra* note 2, at 270. Being a poet is an occupational hazard. Poets have one of the highest suicide rates. Felicia R. Lee, *Going Early into That Good Night*, N.Y. TIMES (Apr. 24, 2004), <https://www.nytimes.com/2004/04/24/books/going-early-into-that-good-night.html> [<https://perma.cc/2XH2-V9VS>].

11. See GLADWELL, *supra* note 2, at 270. Plath’s suicide has been diminished to “The Sylvia Plath Effect,” a phenomenon and term coined by Psychologist James C. Kaufman, who found that poets are more susceptible to mental illness than other creative writers. James C. Kaufman, *The Sylvia Plath Effect: Mental Illness in Eminent Creative Writers*, 35 J. CREATIVE BEHAV. 37, 46–47 (2001).

12. GLADWELL, *supra* note 2, at 267, 271.

13. The peak years were 1958 to 1964. Ronald V. Clarke & Pat Mayhew, *The British Gas Suicide Story and Its Criminological Implications*, 10 CRIME & JUST. 79, 87–88 (1988).

14. Scott Anderson, *The Urge to End It All*, N.Y. TIMES (July 6, 2008), <https://www.nytimes.com/2008/07/06/magazine/06suicide-t.html> [<https://perma.cc/L6ZW-24JG>]; Keith Hawton, *Restricting Access to Methods of Suicide: Rationale and Evaluation of This Approach to Suicide Prevention*, 28 CRISIS 4, 5 (2007).

15. GLADWELL, *supra* note 2, at 270.

16. Clarke & Mayhew, *supra* note 13, at 80.

17. Anderson, *supra* note 14; GLADWELL, *supra* note 2, at 270.

along with the rate of carbon monoxide suicides.¹⁸ In the 1970s, when town gas was phased out for natural gas (which has virtually no carbon monoxide), the rate of carbon monoxide suicides dropped drastically.¹⁹ What interested researchers the most was that the rates of other methods of suicide remained steady.²⁰ Unable to die by carbon monoxide poisoning, few potential gas suicides found a different method of attempt.²¹ With fewer fatal attempts using toxic gas, the overall number of suicides substantially declined.²² Ronald Clarke and Pat Mayhew, in their prominent study on the British Town Gas Story, theorized two reasons for the drop in the overall rate of suicide: (1) "the more determined individuals were unable to find an acceptable and equally lethal alternative," and (2) "the less determined may have been saved from making a lethal mistake."²³ The British Town Gas Story introduced the groundbreaking idea that reducing access to lethal, convenient methods of suicide will reduce the overall suicide rate.²⁴ This approach is known today as "means safety," "means restriction," or "means reduction."²⁵

Means safety works because suicide is a coupled behavior.²⁶ Coupling is the idea that a particular behavior is so intertwined

18. Clarke & Mayhew, *supra* note 13, at 88.

19. *Id.* at 80 ("The decline in toxicity was accompanied by a fall in the number of gas suicides."). The rate of carbon monoxide poisoning went from a peak of 49.8% to .2%, and the overall suicide rate decreased by almost 2,000. *Id.* at 88.

20. *Id.* at 82, 89.

21. *Id.* at 89–92.

22. *Id.* at 97.

23. *Id.* at 99.

24. *Id.* at 97 ("That the availability of a method can so significantly affect the incidence of suicide has important implications for both theory and prevention."); *Means Matter Basics: Means Reduction Saves Lives*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/means-matter/saves-lives/> [<https://perma.cc/5BA9-KBM7>] (last visited Apr. 8, 2025).

25. Press Release, Am. Ass'n of Suicidology, Statement for the American Association of Suicidology Regarding the Role of Firearms in Suicide and the Importance of Means Safety in Preventing Suicide Deaths 2 (Feb. 2018) [hereinafter Am. Ass'n of Suicidology, Firearm Statement], <https://archive.legmt.gov/bills/2019/Minutes/House/Exhibits/juh63a01.pdf>; *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24. This Note will refer to it as means safety or means reduction.

26. See GLADWELL, *supra* note 2, at 272–73, 280.

with place and context that, without such circumstances, the behavior may not occur at all.²⁷ The British Town Gas Story prominently illustrates that suicide itself becomes so inextricably intertwined with a specific method that removing access to that method will inevitably save lives.²⁸ For a coupled behavior to exist, another method cannot, and does not, easily replace it.²⁹ Therefore, coupling is the antithesis of displacement.³⁰

Displacement suggests that removing the opportunity for a particular consequence by changing the situation in which it occurs does not actually prevent the subsequent result but instead merely moves or delays it.³¹ Suicide is often perceived as a displaced behavior.³² However, if suicide were a displaced behavior, the overall suicide rate would remain constant over time.³³ This is not the case.³⁴ Because suicide is a coupled behavior, rather than a displaced one, the overall suicide rate decreases as specific methods are restricted and become less accessible or less lethal.³⁵ Understanding that suicide is a coupled behavior

27. *Id.* at 273.

28. *Id.* at 274; *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24; Clarke & Mayhew, *supra* note 13, at 97.

29. See GLADWELL, *supra* note 2, at 272–74.

30. *Id.*

31. Displacement as a concept initially arose in the context of situational crime prevention. Derek B. Cornish & Ronald V. Clarke, *Understanding Crime Displacement: An Application of Rational Choice Theory*, 25 *CRIMINOLOGY* 933, 934 (1987). Despite the deterrent effect situational preventative measures had on crime, critics honed in on the idea that crime was being “displaced . . . to other targets, times, places or types of crimes” and the crime rate was not actually decreasing. *Id.*

32. Kathryn R. Fingar, Sarah Burd-Sharps & Tannuja D. Rozario, *Two Decades of Suicide Prevention Laws: Lessons from National Leaders in Gun Safety Policy*, EVERYTOWN (Sept. 29, 2023), <https://everytownresearch.org/two-decades-of-suicide-prevention-laws-lessons-from-national-leaders-in-gun-safety-policy/> [<https://perma.cc/UFU4-QYT8>] (“There is a common misperception that if one means for suicide is unavailable or restricted, a suicidal individual will find an alternative means.”).

33. GLADWELL, *supra* note 2, at 274.

34. *Id.* at 275.

35. *Id.* at 274; Clarke & Mayhew, *supra* note 13, at 90–92.

will have profound impacts on suicide prevention both in policy and law.³⁶

In the United States, firearms are our town gas.³⁷ But unlike England and Wales, the United States has done almost nothing to uncouple the behavior from the method.³⁸ There has been no progress on a federal level to implement situational preventative measures for firearms.³⁹ However, some states have introduced means safety measures that have significantly reduced not only their rate of firearm suicide but also their overall gun violence rate.⁴⁰ The most successful states have adopted four critical laws that restrict access to firearms: (1) background checks on all sales, (2) secure gun storage policies, (3) minimum age requirements, and (4) waiting periods.⁴¹ It is not enough for only certain states to be taking action. For the overall suicide rate in the United States to decline, the federal government must act to restrict firearm access using the four types of state laws that have shown success.

This Note aims to show why suicide is a method-specific behavior and how the United States can use this research to save lives. Part I of this Note will discuss basic suicide statistics and general research on the subject. Part II shows why suicide is a coupled behavior using prominent examples throughout history, specifically bridges in the United States and pesticides in Asian rural communities. Part II will also expand on why examining the means used by those who die by suicide is vital for suicide prevention. Lastly, it will explore five factors that relate to the lethality of specific methods and why determining a

36. Clarke & Mayhew, *supra* note 13, at 83 ("[T]he unambiguous nature of the evidence concerning the lack of displacement to other means of death following detoxification (and the fact that thousands of lives were thereby saved) makes the gas suicide story so potentially important in evaluating the scope of situational preventative measures.").

37. *Firearm Suicide in the United States*, EVERYTOWN, <https://everytownresearch.org/report/firearm-suicide-in-the-united-states/> [<https://perma.cc/7HTJ-KYLC>] (Nov. 8, 2024).

38. GLADWELL, *supra* note 2, at 276 n.*.

39. Catherine W. Barber & Matthew J. Miller, *Reducing a Suicidal Person's Access to Lethal Means of Suicide: A Research Agenda*, 47 AM. J. PREVENTATIVE MED. S264, S267 (2014).

40. Fingar et al., *supra* note 32.

41. *Id.*

method's lethality plays a key part in effective means safety. Part III will prove there is an inextricable link between the U.S. suicide rate and firearms and will outline historic federal gun legislation in the United States. Part III will also examine four types of state laws that have effectively saved lives. Lastly, Part IV will explain why those state laws should be enacted on a federal level to significantly reduce the overall suicide rate in the United States.

I. SUICIDE OVERVIEW

In the United States, suicide is an epidemic. In 2022 alone, 49,476 people died by suicide.⁴² Suicide is now the eleventh leading cause of death in the United States and one of the three leading causes of death among fifteen to twenty-four year olds.⁴³ Suicide has been the second leading cause of death for those aged one to forty-four since 2012.⁴⁴ Historically, suicide has been a top ten leading cause of death for all ages in the United States.⁴⁵ It is also a global occurrence. The World Health Organization estimates that approximately seven hundred thousand people die by suicide worldwide each year.⁴⁶ For every death caused by suicide, there are many more who

42. *Suicide Data: United States*, AM. FOUND. FOR SUICIDE PREVENTION (May 2024) [hereinafter AFSP, *Suicide Data*], https://www.datocms-assets.com/12810/1716221299-afsp_2024_national_fact_sheet_update.pdf. According to provisional data released by the Centers for Disease Control and Prevention ("CDC"), 49,316 people died by suicide in 2023. *Suicide Data and Statistics*, CTRS. FOR DISEASE CONTROL & PREVENTION [hereinafter CDC, *Suicide Data and Statistics*], <https://www.cdc.gov/suicide/facts/data.html> [https://perma.cc/UL25-ZX2X] (Mar. 26, 2025).

43. AFSP, *Suicide Data*, *supra* note 42; Matthew F. Garnett & Sally C. Curtin, *Suicide Mortality in the United States*, NCHS DATA BRIEF, Sept. 2024, at 1, 1.

44. *Injuries and Violence Are Leading Causes of Death*, CTRS. FOR DISEASE CONTROL & PREVENTION [hereinafter *U.S. Leading Causes of Death*], <https://www.cdc.gov/injury/wisqars/animated-leading-causes.html> [https://perma.cc/M7FV-XKJR] (last visited Apr. 8, 2025).

45. *Id.*; *Suicide by Age: Suicide Rates by Age in the U.S., 2015-2020*, SUICIDE PREVENTION RES. CTR., <https://sprc.org/about-suicide/scope-of-the-problem/suicide-by-age/> [https://perma.cc/DC66-ZC6W] (last visited Apr. 8, 2025). In 2020, COVID-19 replaced suicide in the top ten leading causes of death for all ages combined in the United States. *U.S. Leading Causes of Death*, *supra* note 44.

46. *Global Suicide Statistics*, INT'L ASS'N FOR SUICIDE PREVENTION, <https://www.iasp.info/wspd/references/> [https://perma.cc/43YY-CDKF] (last visited Apr. 8, 2025).

attempted suicide, but did not have a fatal outcome.⁴⁷ There were approximately 1.6 million suicide attempts in the United States in 2022.⁴⁸

Suicide is defined as the deliberate act of killing oneself,⁴⁹ but it hurts everyone, not just the person whose life is ultimately taken. It results in significant psychological, spiritual, and financial losses for society.⁵⁰ Suicide's prevalence in society has fascinated psychologists, philosophers, and scientific researchers for centuries.⁵¹ The need to understand the psychological *why* of taking one's own life drives a large proportion of this research, and this same research plays a significant role in examining preventative measures.⁵² Despite abundant studies, identifying a comprehensive and underlying cause proves difficult.⁵³ Many factors have been cited as to why individuals decide to end their lives. Examples include substance abuse, certain mental illnesses (most prevalently depression), and the experience of a recent loss or setback.⁵⁴

47. *Suicide*, WORLD HEALTH ORG. (Aug. 29, 2024) [hereinafter *Suicide*, WORLD HEALTH ORG.], <https://www.who.int/news-room/fact-sheets/detail/suicide> [https://perma.cc/D38V-W5DC].

48. AFSP, *Suicide Data*, *supra* note 42.

49. Maya Schwartz-Lifshitz, Gil Zalsman, Lucas Giner & Maria A. Oquendo, *Can We Really Prevent Suicide?*, 14 CURRENT PSYCHIATRY REPS. 624, 624 (2012).

50. *Basic Suicide Facts: Who?*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/basic-suicide-facts/who/> [https://perma.cc/L6S4-T35N] (last visited Apr. 8, 2025); Paul S.F. Yip, Eric Caine, Saman Yousuf, Shu-Sen Chang, Kevin Chein-Chang Wu & Ying-Yeh Chen, *Means Restriction for Suicide Prevention*, 379 SUICIDE 2393, 2393 (2012).

51. Yip et al., *supra* note 50, at 2393; *What Is Suicidology?*, AM. ASS'N OF SUICIDOLOGY (Nov. 10, 2022), <https://suicidology.org/what-is-suicidology/> [https://perma.cc/X2AN-KH2G].

52. Jill Harkavy-Friedman, *Highlighting the True Connection Between Research and Suicide Prevention*, AM. FOUND. FOR SUICIDE PREVENTION (May 20, 2021), <https://afsp.org/story/highlighting-the-true-connection-between-research-and-suicide-prevention> [https://perma.cc/GH5R-ZNXZ]; *What Is Suicidology?*, *supra* note 51.

53. Anderson, *supra* note 14. In the list of the 100 most cited published articles on suicide, titles suggest varying causes, methods, symptoms, and conditions that may influence a person's decision to commit suicide. See Gayatri Bhatia, Priyanka Thapa & Rahul Mathur, *The Top 100 Most Cited Publications on Suicide: A Citation Analysis*, OMEGA—J. DEATH & DYING, Jul. 12, 2023, at 1, 1, 4–11.

54. *Basic Suicide Facts: Why?*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/basic-suicide-facts/why/> [https://perma.cc/WH8M-2985] (last visited Apr. 8, 2025).

From a public health standpoint, suicide can be prevented in two general ways: by reducing feelings of suicide or by reducing access to specific fatal methods.⁵⁵ The former is based on a multitude of theories that emphasize sociological and psychological factors that increase the likelihood of a suicide attempt.⁵⁶ For instance, sociological theories show a “correlation[] between social and economic indicators and regional and national variations in suicide.”⁵⁷ In contrast, “psychological theories . . . see suicide as the outcome of personal disturbance, often associated with clinical depression.”⁵⁸ Neither of these theories discuss how the suicidal method can also be telling of a person’s choice to take their own life.⁵⁹ Suicide remains an epidemic because current prevention measures attempt to reduce feelings of suicidal ideation.⁶⁰ Unfortunately, it proves challenging to minimize feelings of suicide because of the “complex and diverse nature of factors” contributing to suicidal behaviors.⁶¹

The second broad way suicide can be prevented suggests that suicide is a coupled behavior.⁶² Reducing the lethality and accessibility of specific methods of suicide is understood as “means safety,” “means reduction,” or “means restriction.”⁶³ Means safety is a prevention tactic that renders a potential method of suicide less fatal, less accessible, or ideally both, and varies widely in terms of its implementation.⁶⁴ It can range from completely eradicating to impeding access or reducing its

55. Ziyi Cai, Alvin Junus, Qingsong Chang & Paul S.F. Yip, *The Lethality of Suicide Methods: A Systematic Review and Meta-Analysis*, 300 J. AFFECTIVE DISORDERS 121, 124 (2022); Yip et al., *supra* note 50, at 2393.

56. See Cai et al., *supra* note 55, at 124; see also Yip et al., *supra* note 50, at 2394.

57. Clarke & Mayhew, *supra* note 13, at 97.

58. *Id.* at 97–98.

59. *Id.* at 98.

60. Yip et al., *supra* note 50, at 2393 (“Identified risk factors, such as severe depression or other mental illnesses, do not have sufficient specificity to guide effective preventive actions.”).

61. Cai et al., *supra* note 55, at 124; Barber & Miller, *supra* note 39, at S267.

62. Yip et al., *supra* note 50, at 2394; see GLADWELL, *supra* note 2, at 273.

63. Am. Ass’n of Suicidology, Firearm Statement, *supra* note 25 at 2; *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24; Yip et al., *supra* note 50, at 2394.

64. Am. Ass’n of Suicidology, Firearm Statement, *supra* note 25, at 2.

lethality to promoting educational and social interventions.⁶⁵ This "often neglected strategy," which is the focus of this Note, substantially reduces suicide rates without changing the underlying motives of suicidal behavior.⁶⁶

II. SUICIDE AS A COUPLED BEHAVIOR

Coupling stems from rational choice theory, which emphasizes the need to focus on why behaviors occur for specific reasons instead of assuming everyone who exemplifies the behavior has a general disposition for it.⁶⁷ Rational choice theory suggests that *how* to complete a particular behavior is more important than the actual feeling of wanting to participate in the behavior.⁶⁸ Coupling goes a step further and suggests that suicide is so inherently method-specific that it will not happen without the method chosen by the attempter.⁶⁹ When an individual is precluded from using their preferred method, the probability of that individual attempting suicide with a different method is unlikely.⁷⁰

American society is quick to distinguish suicide as a displaced behavior instead of a coupled one.⁷¹ "Displacement assumes that when people think of doing something as serious as committing suicide, they are very hard to stop."⁷² Prevailing theories on suicide exacerbate the belief that suicide is more internally motivated than externally motivated.⁷³ The idea that suicide could be prevented by restricting access to external factors, such as a specific method, demeans the personal suffering

65. Yip et al., *supra* note 50, at 2395.

66. Cai et al., *supra* note 55, at 126; Barber & Miller, *supra* note 39, at S266–67.

67. Cornish & Clarke, *supra* note 31, at 935.

68. See Clarke & Mayhew, *supra* note 13, at 99–100.

69. Yip et al., *supra* note 50, at 2393; GLADWELL, *supra* note 2, at 286.

70. Yip et al., *supra* note 50, at 2393.

71. See Fingar et al., *supra* note 32.

72. GLADWELL, *supra* note 2, at 273.

73. See, e.g., Bhatia et al., *supra* note 53, at 4–11 (listing the top 100 most cited publications on suicide, many supporting the theory that suicide is internally motivated).

that psychologists insist fuels suicidal behavior.⁷⁴ Psychiatrists and social workers have been insulted by the idea that suicide could be minimized simply by making it more challenging to attempt.⁷⁵

But this Note will prove suicide is a coupled behavior. And because suicide is a coupled behavior, displacement is unlikely.⁷⁶ The majority of individuals who survive an earnest suicide attempt rarely attempt suicide again.⁷⁷ For example, in a study of ninety-four individuals who survived jumping in front of subway trains in London, only nine later died by suicide or possible (unconfirmed) suicide.⁷⁸ Means safety effectively saves lives because it reduces the overall suicide rate by lowering the method-specific suicide rate, while suicide rates by other methods either stay the same or marginally increase.⁷⁹

This section will discuss the various important aspects of suicide as a coupled behavior. Understanding that suicidal crises are short-lived and that some methods are more lethal than others is imperative for determining effective means safety measures. Before discussing these crucial facets, this Note will illustrate examples of suicide as a coupled behavior. The evidence of means safety implementation throughout the world is compelling. These real-world examples of suicide and suicide prevention will make it clear how means safety will effectively save lives.

A. Means Safety Saves Lives

The British Town Gas Story was the first to present the idea of coupled behavior, but it is far from the only one.⁸⁰ Research

74. Clarke & Mayhew, *supra* note 13, at 97.

75. GLADWELL, *supra* note 2, at 276.

76. *See id.*

77. Hawton, *supra* note 14, at 6.

78. *Id.*

79. Am. Ass'n of Suicidology, Firearm Statement, *supra* note 25, at 2; *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

80. Clarke & Mayhew, *supra* note 13, at 79 ("That blocking opportunities, even for deeply motivated acts, does not inevitably result in displacement has not been so clearly shown before."); *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

specifically has noticed trends of coupling in the use of pesticides in rural agricultural areas in Asian and Latin American countries, as well as with bridges and jumping in urban areas.⁸¹ Each of these examples will highlight how restricting access to specific lethal means of suicide has decreased the method-specific suicide rate and, thus, the overall suicide rate.

1. *Pesticides*

Suicide through pesticide ingestion has been recognized as a major global health concern by the World Health Organization.⁸² In the 1960s, pesticides became a widely used tool in farming; since then, pesticide ingestion has caused an estimated fourteen million deaths worldwide.⁸³ Around 20% of global suicides occur through pesticide poisoning, especially in low- and middle-income countries.⁸⁴ In rural regions of Asia and the Pacific Islands, pesticides are among the most common means of suicide.⁸⁵ An estimated three hundred thousand deaths occur annually in Asia via pesticide self-poisoning.⁸⁶ Pesticide poisonings, like most suicidal behaviors, are impulsive and arise from certain stressors.⁸⁷ Certain risk factors of pesticides include their high toxicity, the fact that they are sold locally, and that they are stored at home—all of which make them highly available in moments of crisis and highly lethal.⁸⁸

In 1995, the suicide rate in Sri Lanka reached its peak at forty-seven per one hundred thousand.⁸⁹ The rate of suicide had

81. Yip et al., *supra* note 50, at 2394.

82. *Suicide*, WORLD HEALTH ORG., *supra* note 47.

83. *Pesticide Suicide: The Problem*, CTR. FOR PESTICIDE SUICIDE PREVENTION, <https://centrespp.org/the-problem/> [<https://perma.cc/JL7V-SNJX>] (last visited Apr. 8, 2025).

84. *Suicide*, WORLD HEALTH ORG., *supra* note 47.

85. *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

86. D. Gunnell, R. Fernando, M. Hewagama, W.D.D. Priyangika, F. Konradsen & M. Eddleston, *The Impact of Pesticide Regulations on Suicide in Sri Lanka*, 36 INT’L J. EPIDEMIOLOGY 1235, 1235 (2007).

87. Shweta Dabholkar, Shahina Pirani, Mark Davis, Murad Khan & Michael Eddleston, *Suicides by Pesticide Ingestion in Pakistan and the Impact of Pesticide Regulation*, BMC PUB. HEALTH, Apr. 2023, at 1, 8.

88. *Pesticide Suicide: The Problem*, *supra* note 83.

89. Gunnell et al., *supra* note 86, at 1235.

been increasing since 1950, coinciding with the first reported cases of pesticide-associated deaths.⁹⁰ From late 1970 to early 1990, self-poisonings were most commonly performed with Class I (“extremely or highly toxic”) pesticides.⁹¹ Starting in 1984, Class I pesticides were gradually phased out of farming and banned by the government.⁹² Because of the ban on Class I pesticides, farmers resorted to using Class II (“moderately hazardous”) pesticides.⁹³ One Class II pesticide was clinically found to be highly toxic.⁹⁴ Imports of this Class II pesticide were banned in late 1998.⁹⁵ Following the banning of Class I pesticides and some Class II pesticides in Sri Lanka, the overall suicide rate between 1995 and 2005 halved.⁹⁶

Banning extremely toxic pesticides was highly effective in decreasing the overall suicide rate in Sri Lanka.⁹⁷ There were almost twenty thousand fewer suicides overall between 1996 and 2005 compared to the previous decade.⁹⁸ At first, there was little impact on suicides from the original Class I ban because there was not an impactful limitation on lethal pesticides,⁹⁹ but the ban on the final Class I pesticide and the other highly toxic Class II pesticide showed a noticeable decline in overall suicides.¹⁰⁰ What decreased the overall suicide rate was the reduction in the availability of highly lethal pesticides. It is important to note that the reduction in suicides was not due to a reduction in self-poisoning cases or a reduction in pesticide availability.¹⁰¹ Between 1993 and 1995, approximately forty-seven thousand

90. *Id.* at 1238–39.

91. *Id.* at 1237.

92. *Id.* at 1237–38.

93. *Id.* at 1237.

94. *Id.*

95. *Id.*

96. *Id.*

97. Michael Eddleston & David Gunnell, *Preventing Suicide Through Pesticide Regulation*, 7 LANCET PSYCHIATRY 9, 9 (2020); *see also* Dabholkar et al., *supra* note 87, at 683.

98. Gunnell et al., *supra* note 86, at 1237.

99. *Id.*

100. *Id.* at 1238–39.

101. *Id.* at 1238.

people were admitted to hospitals following pesticide poisonings.¹⁰² This number actually increased by 16% between 2003 and 2005.¹⁰³

Suicide prevention was accomplished by reducing the lethality of the means. The pesticides that remained available were no longer highly toxic and lethal.¹⁰⁴ Similarly, Britain and Wales did not remove all ovens from homes; instead, the gas supplied no longer contained poisonous levels of carbon monoxide.¹⁰⁵ Removal of highly toxic pesticides from agriculture allowed the self-harm impulse to pass without exposure to a lethal means, increasing the chance of survival.¹⁰⁶ The reduction in the overall suicide rate shows that there was no displacement to another suicidal method.¹⁰⁷ Because suicide is a coupled behavior, reducing the lethality of pesticides was crucial for suicide prevention in Sri Lanka despite having little effect on attempts and accessibility.¹⁰⁸

2. Bridges

In the United States, jumping from tall structures (often bridges) is not a significantly popular method.¹⁰⁹ Yet fatality rates for this method of suicide are especially severe.¹¹⁰ Jumping

102. *Id.* at 1239.

103. *Id.*

104. *Id.*

105. See Clarke & Mayhew, *supra* note 13, at 98–99.

106. Dabholkar et al., *supra* note 87, at 683. Pakistan has tried to emulate the success of Sri Lanka but has not yet banned all Class I pesticides. Such bans will help reduce the suicide rate but will not have considerable effects until all are banned. *Id.* at 677.

107. Gunnell et al., *supra* note 86, at 1240.

108. *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

109. See *Bridges and Suicide*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/bridges-and-suicide/> [<https://perma.cc/CGL6-MC8V>] (last visited Apr. 9, 2025).

110. *Id.* A bridge's height corresponds with its fatality rate. Sangsoo Shin, Jane Pirkis, Matthew J. Spittal, Lay San Too & Angela Clapperton, *Change in Incidents of Suicidal Acts After Intervention on a Bridge in South Korea*, 60 SOC. PSYCHIATRY & PSYCHIATRIC EPIDEMIOLOGY 685, 689 (2024) (comparing the fatality rate of several bridges based on their height and finding, for example, that the seventy-five-meter Clifton Suspension Bridge in the United Kingdom had a fatality rate of over 95%, while a fifty-five-meter bridge in Pittsburgh had a 75% fatality rate, and bridges below fifteen meters had only 18%).

from a great height is highly lethal and unstoppable once begun.¹¹¹ However, constructing barriers prevents access to a potentially lethal jump, reducing the method-specific suicide rate.¹¹² Because suicide is a coupled behavior, the reduction in the method-specific suicide rate reduces the overall suicide rate.

Two bridges, the Taft and the Ellington, run perpendicular to each other, but one is much more infamous for suicides.¹¹³ The Ellington, referred to at one point as “the suicide bridge,” accounted for half of all jumping suicides within Washington D.C.’s boundaries in the 1980s.¹¹⁴ Even though both bridges have nearly identical fatal drops, the Taft averaged less than two suicides per year compared to the Ellington’s four.¹¹⁵ The only difference between the two bridges was the height of their railings.¹¹⁶ The Taft’s concrete railing stands chest-high on an average man, while, at the time, the Ellington’s railing came to about hip level.¹¹⁷ “A jump from either was lethal, but one required a bit more effort and a bit more time”¹¹⁸ “[B]oth factors stand in the way of impulsive action.”¹¹⁹

In 1985, after a series of fatal jumps within ten days, civic groups campaigned to construct a suicide barrier for the Ellington.¹²⁰ However, the barrier was met with resistance because opponents believed those intent on committing suicide would find

111. *Bridges and Suicide*, *supra* note 109.

112. See Joe Rosenheim, *Decrease in Golden Gate Bridge Suicide Jumps Likely a Result of Prevention Barrier*, CBS NEWS, <https://www.cbsnews.com/sanfrancisco/news/decrease-in-golden-gate-bridge-suicide-jumps-likely-a-result-of-prevention-barrier/> [https://perma.cc/6P2W-ZTTP] (Aug. 7, 2023, 7:06 PM).

113. Anderson, *supra* note 14.

114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.* (noting that those who choose to die by jumping present fewer warning signs of suicidal behavior and “that it is a method associated with a very high degree of impulsivity”); see also discussion *infra* Section II.B (describing how impulsivity is an important factor in determining suicidal method used).

120. Martin Austerhuhle, *After a Tragedy, One Woman Is Fighting for Suicide Barriers on a D.C. Bridge*, WAMU (Sept. 15, 2022), <https://wamu.org/story/22/09/15/woman-pushes-suicide-barriers-on-dc-taft-bridge/> [https://perma.cc/MXS7-T794].

another way.¹²¹ The opponents' argument was even stronger, considering the closeness of the Taft.¹²² Evidently, the opponents were wrong.¹²³ Within five years of the creation of the suicide barrier, the suicide rate at the Ellington was eliminated entirely, and the total number of suicides by jumping in Washington, D.C. had decreased by 50%—the exact percentage the Ellington once accounted for.¹²⁴ More importantly, the Taft's suicide rate only slightly changed, "inching up from 1.7 to 2 deaths per year."¹²⁵ Despite the proximity of another bridge, the Ellington was chosen by many as the place to take their own life, and it did not simply change to another location after the barrier was built.¹²⁶

The Golden Gate Bridge in San Francisco is another profound example of coupling. In 1978, Richard Seiden, a psychologist at the University of California, Berkeley, sought to test the idea of coupling by examining suicide jumpers at the Golden Gate Bridge.¹²⁷ He looked to answer whether a person who is prevented from suicide in one location will inevitably attempt and possibly die by suicide elsewhere.¹²⁸ In other words, he wanted to answer whether suicide is a coupled behavior or a displaced one. To answer this question, Seiden collected data on 515 subjects who attempted suicide from the day

121. Anderson, *supra* note 14. Other arguments suggest suicide barriers will decrease the structure's aesthetic appeal or are too expensive. See, e.g., GLADWELL, *supra* note 2, at 279; William Wan, *A Suicidal Son, An Iconic Bridge and the Struggle to Keep People from Jumping*, WASH. POST (Sept. 7, 2022, 8:00 AM), <https://www.washingtonpost.com/dc-md-va/2022/09/07/chesapeake-bay-bridge-suicide-son-prevention/> [https://perma.cc/VB4N-8NA5] ("Such barriers, however, often face opposition because of cost, aesthetics, and logistics.").

122. Anderson, *supra* note 14.

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.* Recently, there has been movement to erect a suicide barrier at the Taft Bridge. Austermuhle, *supra* note 120.

127. Richard H. Seiden, *Where Are They Now? A Follow-up Study of Suicide Attempters from the Golden Gate Bridge*, 8 SUICIDE & LIFE THREATENING BEHAV. 203, 203 (1978). Seiden's "pioneering work" has been influential in the study of suicide and coupled behavior. Anderson, *supra* note 14; see also GLADWELL, *supra* note 2, at 278.

128. See generally Seiden, *supra* note 127, at 203.

the Golden Gate Bridge opened in 1937 until the end of 1971.¹²⁹ Of the 515 subjects, twenty-five died by suicide after their initial attempt at the Golden Gate Bridge had been thwarted.¹³⁰ Of those twenty-five, only seven returned to the Golden Gate Bridge.¹³¹ The study confirmed that “suicidal behavior is crisis-oriented and acute in nature.”¹³² In short, people go to the Golden Gate Bridge to die, but only at that moment; they generally do not have a persistent desire to die.¹³³

Despite the results of this study, San Francisco waited almost forty years to construct a “Suicide Deterrent Net” under the bridge.¹³⁴ Up until 2018, the year of the safety net’s construction, the Golden Gate Bridge was one of the only international landmarks with a history of suicide jumps without a suicide deterrent.¹³⁵ Other global and domestic landmarks, such as the Eiffel Tower and the Empire State Building, erected suicide barriers before or during the mid-1960s.¹³⁶ Opponents of the net, including a majority of the U.S. population, believed those who

129. *Id.* at 205–06.

130. *Id.* at 209, 214.

131. *Id.* at 209.

132. *Id.* at 215.

133. *See id.* (describing people who gave up on their suicide attempt after leaving the Golden Gate Bridge); GLADWELL, *supra* note 2, at 277–78 (describing the then “inexplicable saga” of regularly occurring suicides at the Golden Gate Bridge).

134. Jennifer Chaussee, *Suicide Nets Approved for San Francisco’s Golden Gate Bridge*, REUTERS, <https://www.reuters.com/article/us-usa-california-suicide-idUSKBN0F227M20140627> [<https://perma.cc/X5P8-2HFT>] (June 27, 2014, 3:35 PM); *Saving Lives at the Golden Gate Bridge*, GOLDEN GATE BRIDGE HIGHWAY & TRANSP. DIST., <https://www.goldengate.org/district/district-projects/suicide-deterrent-net/> [<https://perma.cc/939U-M36A>] (last visited Apr. 9, 2025).

135. John Bateson, *The Suicide Magnet That Is the Golden Gate Bridge*, L.A. TIMES (Sept. 29, 2013, 12:00 AM), <https://www.latimes.com/opinion/op-ed/la-oe-bateson-golden-gate-bridge-suicides-20130929-story.html> [<https://perma.cc/UJ4G-7ABL>]; *Golden Gate Bridge Suicides – Overview*, BRIDGE RAIL FOUND., <http://www.bridgerail.net/golden-gate-bridge-suicides/overview> [<https://perma.cc/KP44-KUBE>] (last visited Apr. 9, 2025). The Bridge Rail Foundation is a non-profit organization whose original mission was to prevent suicides on the Golden Gate Bridge through the installation of a suicide deterrent. *Golden Gate Bridge Suicides – Overview, supra*. It has now expanded this mission to other tall, publicly accessible structures. *Other Suicide Bridges – Solution in the Works*, BRIDGE RAIL FOUND., <http://www.bridgerail.net/other-suicide-bridges/solution-in-the-works> [<https://perma.cc/ZS7R-5PY5>] (last visited Apr. 10, 2025).

136. *Barriers for Eiffel Tower Ordered to Avert Suicides*, N.Y. TIMES, Feb. 9, 1965, at 26, <https://www.nytimes.com/1965/02/09/archives/barriers-for-eiffel-tower-ordered-to-avert-suicides.html> [<https://nyti.ms/3RL8ooq>].

went to the Golden Gate Bridge would not be deterred and would commit suicide in other ways.¹³⁷ Multiple citizens even wrote letters to the San Francisco municipal authority claiming that if a suicide barrier were put in place, it would not surprise them if people began shooting themselves instead or found a different method.¹³⁸ These arguments were similar to those made by opponents of the Ellington Bridge's suicide barrier, and they were also ultimately wrong.¹³⁹

In 2023, while the net was still under construction, only fourteen people died by suicide, reducing the Golden Gate Bridge's suicide rate by half.¹⁴⁰ Before the construction of the net, the bridge saw between thirty and forty suicides consistently per year.¹⁴¹ Because suicide is a coupled behavior, those prevented from jumping from the Golden Gate Bridge were unlikely to find another place to jump from or another method to die by.¹⁴²

B. *The Role of Impulsivity*

A common assumption about suicide is that it is extensively premeditated, and to an extent, it is.¹⁴³ Prolonged feelings of hopelessness frequently indicate a possibility of attempting suicide.¹⁴⁴ What is often not premeditated is the actual attempt.¹⁴⁵

137. GLADWELL, *supra* note 2, at 279–80.

138. *Id.*

139. See Anderson, *supra* note 14.

140. *Saving Lives at the Golden Gate Bridge*, *supra* note 134. A majority of the suicides in 2023 occurred where people found gaps in the netting. *Id.* As of January 1, 2024, the Golden Gate Bridge now has a functioning suicide deterrent net that spans 95% of the bridge's east and west coast sides. *Id.*

141. Rosenheim, *supra* note 112.

142. GLADWELL, *supra* note 2, at 278 ("Their decision to commit suicide is *coupled* to that particular bridge.").

143. MADELINE DREXLER, HARV. T.H. CHAN SCH. OF PUB. HEALTH, GUNS & SUICIDE: THE HIDDEN TOLL 28 (2013) (calling the perception that all suicides are "long-planned" a "fallacy" that is only sometimes true); Marianne Wyder & Diego De Leo, *Behind Impulsive Suicide Attempts: Indications from a Community Study*, 104 J. AFFECTIVE DISORDERS 167, 168–70 (2007) (finding 26% of participants matched the study's definition of "impulsive").

144. *Basic Suicide Facts: Why?*, *supra* note 54.

145. *Means Matter Basics: Duration of Suicidal Crises*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/means-matter/duration/> [<https://perma.cc/4U2K-RS7J>] (last visited Apr. 9, 2025).

Research suggests people who attempt suicide act in moments of “brief but heightened vulnerability.”¹⁴⁶ Clinicians admit there is a high degree of impulsivity in suicide, but impulsivity is believed to be yet another symptom of a chronic and pre-existing mental illness.¹⁴⁷ Clinicians assume the cognitive process from suicidal ideation to the actual behavior follows a clear path.¹⁴⁸ However, only a minimal number of attempters identified themselves as experiencing a linear progression from suicidal ideation to actual attempt.¹⁴⁹

While chronic underlying risk factors are often present for a substantial amount of time, “the acute period of heightened risk for suicidal behavior is often only minutes or hours long.”¹⁵⁰ When asked, “How much time passed between the time you decided to complete suicide and when you actually attempted suicide?” 24% of suicide attempt survivors said they deliberated for less than five minutes.¹⁵¹ Another 47% of survivors said between five minutes and one hour.¹⁵² One study found that 50% of its suicidal subjects had acted impulsively.¹⁵³ While some individuals commit suicide after careful planning, many die between seconds or minutes up to twenty-four hours, depending on how accessible a means of suicide is, after experiencing an emotional crisis.¹⁵⁴ More importantly, nine out of ten people who attempt suicide and survive do not attempt to die by

146. DREXLER, *supra* note 143, at 28; see, e.g., Maria A. Oquendo, *Impulsive Versus Planned Suicide Attempts: Different Phenotypes?*, 76 J. CLINICAL PSYCHIATRY 293, 294 (2015).

147. Anderson, *supra* note 14.

148. Oquendo, *supra* note 146, at 293.

149. Wyder & De Leo, *supra* note 143, at 169.

150. Means Matter Basics: *Duration of Suicidal Crises*, *supra* note 145.

151. *Id.*

152. *Id.*

153. Nilamadhab Kar, Mohanram Arun, Manoj K. Mohanty & Binaya K. Bastia, *Scale for Assessment of Lethality of Suicide Attempt*, 56 INDIAN J. PSYCHIATRY 337, 339 (2014).

154. *Basic Suicide Facts: When?*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/basic-suicide-facts/when/> [https://perma.cc/YAF4-KURF] (last visited Apr. 9, 2025).

suicide again.¹⁵⁵ This alone supports the idea that suicidal crises are often impulsive and short-lived.

To understand suicide as a coupled behavior, it must be understood that depressed people utilize a particular moment or circumstance presented to them.¹⁵⁶ Environment plays a significant role in an individual's behavior.¹⁵⁷ As seen with town gas in England, pesticides in Sri Lanka, and bridges in the United States, the idea and general availability of a method will significantly impact the number of attempters who use it.¹⁵⁸ However, because people experiencing a crisis lack the basic problem-solving skills they would possess otherwise, they rarely contemplate an alternative if their original plan fails.¹⁵⁹ Kevin Hines, a Golden Gate Bridge suicide attempt survivor, explained the coupled behavior between feelings of suicide and method and context.¹⁶⁰ "I was a jumper . . . and I was afraid of every other method besides jumping, and I can't really explain why."¹⁶¹ An even more telling example is one participant in Seiden's study who had picked a specific spot on the western edge of the Golden Gate Bridge to jump from.¹⁶² However, he never jumped because six lanes of traffic separated him from the western edge, and he was afraid of getting hit by a car on the way there.¹⁶³ Seiden himself reasoned that people who attempt suicide become fixated on the idea of dying and, specifically, how they want to die.¹⁶⁴ "[P]eople who attempt suicide aren't

155. *Means Matter Basics: Attempters' Longterm Survival*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/means-matter/survival/> [<https://perma.cc/4985-5GSR>] (last visited Apr. 9, 2025).

156. See GLADWELL, *supra* note 2, at 274–75.

157. DREXLER, *supra* note 143, at 28.

158. See discussion *supra* Section II.A.

159. Austermuhle, *supra* note 120.

160. Rosenheim, *supra* note 112.

161. *Id.*

162. Anderson, *supra* note 14.

163. *Id.* He was ultimately stopped because he had to attempt from the east side of the bridge, and his lack of confidence in this change was noticeable to bystanders. *Id.* (citing an example from Seiden's study of a man who was saved on the bridge's east side after pedestrians "noticed him pacing and growing increasingly despondent.").

164. *Id.* (interviewing Seiden).

thinking clearly. They might have a Plan A, but there's no Plan B Fixation extends to whatever method they have chosen."¹⁶⁵ And if the method they have chosen is highly lethal and highly accessible, they may never get a second chance.

C. Means Matter

Under the theory of coupled behavior, suicide prevention is dependent mainly on the method.¹⁶⁶ But prevailing approaches to suicide prevention attach little importance to method use, which partly explains the resistance to understanding suicide as a coupled behavior.¹⁶⁷ However, discrepancies in suicide deaths and suicide attempts suggest that the outcome largely depends on the choice of method.¹⁶⁸ In a study analyzing the fatality rate of several methods of suicide, men had a higher overall fatality rate; however, when comparing method-specific fatality rates, there was little difference between men and women.¹⁶⁹ This suggests that men often choose more fatal methods than women, resulting in a higher overall suicide rate.¹⁷⁰

Arguably, the most powerful risk factor for suicide deaths is the ready availability of highly lethal methods.¹⁷¹ As outlined and illustrated by the various examples above, reducing the lethality and accessibility of specific methods of suicide drastically decreases the overall suicide rate. A successful suicide may be prevented by restricting a person's access to a

165. *Id.*

166. *Means Matter Basics: Method Choice and Intent*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/means-matter/intent/> [<https://perma.cc/V5KT-MU2Z>] (last visited Apr. 9, 2025).

167. Clarke & Mayhew, *supra* note 13, at 97; Aaron J. Kivisto, *Beyond Legislative Lethal Means Restriction Approaches to Suicide Prevention*, 50 J. AM. ACAD. PSYCHIATRY L. 170, 173 (2022) ("[P]armacologic and psychosocial approaches almost invariably aim to address [suicidal intent] (and corresponding symptoms).").

168. Cai et al., *supra* note 55, at 121.

169. *Id.* at 124.

170. *Id.* In 2023, the male suicide rate was almost four times higher than the rate for women. CDC, *Suicide Data and Statistics*, *supra* note 42.

171. *Basic Suicide Facts: Why?*, *supra* note 54; Hawton, *supra* note 14, at 4.

particularly lethal method during periods of distress or impulsivity.¹⁷² The most significant factors in evaluating for means safety are the inherent lethality of the method and the accessibility of the method.¹⁷³ Lethality is the possibility or "degree of danger to life resulting from self-injurious behavior."¹⁷⁴ However, lethality is not just the likelihood of fatality; factors like accessibility, the ability to abort mid-attempt, and general societal acceptability also influence fatality.¹⁷⁵ Most of these factors are evident in the British Town Gas Story.¹⁷⁶ Clarke and Mayhew speak matter-of-factly about why "gas had unique advantages as a lethal method":

It was widely available (in about 80 percent of British homes) and required little preparation or specialist knowledge, making it an easy choice for less mobile people and for those coming under sudden, extreme stress. It was painless, did not result in disfigurement, and did not produce a mess (which women in particular will try to avoid). Because death was not as quick as with some other lethal methods, it had the advantage of the superstition of allowing destiny some hand in the decision. Finally, it allowed dependents to conceal the suicide as an accident. Deaths by hanging, asphyxiation, or drowning all usually demand more planning, while more courage would be needed with the more violent methods of shooting, cutting, stabbing, crashing one's car, and jumping off high places or in front of trains or buses. These

172. Cassandra K. Crifasi, John Speed Meyers, Jon S. Vernick & Daniel W. Webster, *Effects of Changes in Permit-to-Purchase Handgun Laws in Connecticut and Missouri on Suicide Rates*, 79 PREVENTIVE MED. 43, 43 (2015).

173. *Means Matter Basics: Lethality of Suicide Methods*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/means-matter/case-fatality/> [<https://perma.cc/H8PK-NHP9>] (last visited Apr. 9, 2025).

174. Kar et al., *supra* note 153, at 337.

175. *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173; Kar et al., *supra* note 153, at 338 ("Circumstances of the attempt influence the degree of lethality.").

176. See Clarke & Mayhew, *supra* note 13, at 99.

methods are also more likely to result in distress and danger to others and, in addition, could lead to physical disability were death not to result.¹⁷⁷

Expanding on this observation, Harvard's School of Public Health has determined five factors that govern lethality: inherent deadliness, ease of use, accessibility, ability to abort mid-attempt, and acceptability.¹⁷⁸ All five factors influence why firearms are currently the coupled suicidal method in the United States.

1. *Inherent deadliness*

Inherent deadliness is generally understood as the likelihood of fatality and is significant in determining which methods should be restricted in means safety implementation.¹⁷⁹ Some methods are inherently more fatal than others.¹⁸⁰ Firearms are the most fatal and should be the primary objective of means safety measures.¹⁸¹ Once a trigger is pulled, the action is virtually irreversible.¹⁸² Ninety percent of suicide attempts involving firearms are fatal,¹⁸³ and less than 1% of suicide attempt survivors used a firearm.¹⁸⁴ In contrast, attempts from poisoning, overdose, and cutting are inherently less fatal because there is a

177. *Id.*

178. *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173. Other researchers have also included location as an important factor related to the degree of "rescuability" and the ability to abort mid-attempt. See Kar et al., *supra* note 153, at 338; Ira M. Wasserman & Steven Stack, *Lethal Locations: An Application of Opportunity Theory to Motel Suicide*, a Research Note, 32 DEATH STUD. 757, 757 (2008).

179. See *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173; see also *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

180. *Basic Suicide Facts: How?*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/basic-suicide-facts/how/> [<https://perma.cc/ZJK4-HQZE>] (last visited Apr. 9, 2025).

181. Cai et al., *supra* note 55, at 126.

182. *Means Matter Basics: Firearm Access Is a Risk Factor for Suicide*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/means-matter/risk/> [<https://perma.cc/99XB-HR6A>] (last visited Apr. 10, 2025).

183. ARI DAVIS, ROSE KIM & CASSANDRA CRIFASI, JOHNS HOPKINS CTR. FOR GUN VIOLENCE SOLS., U.S. GUN VIOLENCE IN 2021: AN ACCOUNTING OF A PUBLIC HEALTH CRISIS 10 (2023).

184. *Basic Suicide Facts: How?*, *supra* note 180.

significant period of time between the actual attempt and subsequent death that allows an attempter to abort or be rescued.¹⁸⁵

2. *Ease of use*

Suicide methods that necessitate particular knowledge or more planning and effort tend to be less fatal than those that do not.¹⁸⁶ The self-harm method requires specific knowledge of the major arteries,¹⁸⁷ and methods, such as suicide by motor vehicle exhaust or suffocation, can experience technical difficulties.¹⁸⁸ Overdosing and poisoning require the attempter to determine what kind of substance to use and how much of it will be deadly.¹⁸⁹ These methods also tend to be romanticized by film and media, so those with prolonged risk factors of suicide may falsely believe these methods are more successful than they actually are.¹⁹⁰ Conversely, in a study of almost four thousand suicides in the United States, those who used a firearm had a considerably lower history of the "typical" risk factors of suicide¹⁹¹ and were more successful in their attempt because the use of firearms requires no technical knowledge.¹⁹²

185. *See id.*

186. *See Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173; Anderson, *supra* note 14.

187. *See* Anderson, *supra* note 14.

188. *Means Matter Basics: Method Choice and Intent*, *supra* note 166; *Means Matter Basics: Firearm Access Is a Risk Factor for Suicide*, *supra* note 182.

189. Kar et al., *supra* note 153, at 341.

190. *See* Sania Ahmad, *Mental Illness: From Stigmatized to Romanticized*, THE TEEN MAG. (June 8, 2021), <https://www.theteenmagazine.com/mental-illness-from-stigmatized-to-romanticized> [<https://perma.cc/LH6G-EKZ7>] (discussing the romanticization and simplification of suicide as a "successful revenge scheme").

191. Anderson, *supra* note 14. Typical risk factors include a "history of depression, schizophrenia, bipolar disorder, previous suicide attempts, or drug or alcohol abuse." *Id.*

192. *See* Bryan Villella, *How to Shoot a Handgun*, WIKIHOW, <https://www.wiki-how.com/Shoot-a-Handgun> [<https://perma.cc/HS6S-JW7W>] (Jan. 4, 2025) (laying out approximately nineteen steps to shoot safely but only two to pull the trigger).

3. Accessibility

Accessibility relates to convenience.¹⁹³ Coupling is mainly impacted by accessibility.¹⁹⁴ Previous research determined that lethal suicidal acts often involve planning.¹⁹⁵ Yet, most lethal suicides are impulsive.¹⁹⁶ Because suicidal contemplation is brief, a lethal dose of pills already in possession of the actor poses a greater threat than a prescription that must be accumulated over an extended period before obtaining a lethal dose.¹⁹⁷ Therefore, a more accessible means would likely lead to more successful attempts.¹⁹⁸

Specifically, the more accessible the gun, the higher the suicide rate.¹⁹⁹ When thirty-three people (mostly young men) were asked why a firearm was used for their suicide attempt, the answer given most often was "Availability."²⁰⁰ Another study compared forty million people who lived in states with the highest firearm prevalence to about the same number living in states with the lowest firearm prevalence.²⁰¹ The overall suicide rate was almost double in the high-gun states.²⁰² The higher overall suicide rates resulted *directly* from a higher firearm suicide rate; the non-firearm suicide rate was *nearly equal*.²⁰³ In a study of California handgun owners, 10.3% of the 1,822 suicides in California between 1991 and 1992 were committed by

193. *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173.

194. See GLADWELL, *supra* note 2, at 288 ("Had [Plath] come along ten years later, there would have been no clouds like 'carbon monoxide' for her to 'sweetly, sweetly . . . breathe in.'").

195. See Kar et al., *supra* note 153, at 340.

196. When 50% of subjects attempted suicide impulsively, the number of those who succumbed to their attempt was much greater than those who succumbed to their planned attempt. *Id.*

197. *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173.

198. See Ted R. Miller, David I. Swedler, Bruce A. Lawrence, Bina Ali, Ian R. H. Rockett, Nancy N. Carlson & Jennifer Leonardo, *Incidence and Lethality of Suicidal Overdoses by Drug Class*, JAMA NETWORK OPEN, Mar. 2020, at 1, 9 (recommending blister packing for all opioids and other lethal drugs because even light impediments to access can decrease suicide rates).

199. *Means Matter Basics: Firearm Access Is a Risk Factor for Suicide*, *supra* note 182.

200. *Means Matter Basics: Method Choice and Intent*, *supra* note 166.

201. *Means Matter Basics: Firearm Access Is a Risk Factor for Suicide*, *supra* note 182.

202. *Id.*

203. *Id.*

persons who had purchased a handgun in 1991.²⁰⁴ In that case, the guns were readily available and recently purchased.²⁰⁵

4. *Ability to abort mid-attempt*

The ability to abort mid-attempt relates not only to the method but also to the location of the attempt and the degree to which the person may want to avoid discovery.²⁰⁶ This is also called the degree of rescuability.²⁰⁷ Rescuability is often the most determinative of the outcome—whether one survives or succumbs to their attempt.²⁰⁸

The ability to abort mid-attempt is affected by internal and external components.²⁰⁹ Internal elements, such as individual health, will affect fatality.²¹⁰ For example, one study found that the overall suicide rate was higher for individuals aged fifty-five or over, regardless of the method used.²¹¹ In studying different fatality rates of specific methods of suicide, the likelihood of dying differed for every age group, even if the methods used were the same.²¹² External elements, such as the chance of discovery, the degree of external effort needed to rescue the attempter, and the circumstances surrounding the attempt, also affect fatality.²¹³ For instance, most suicides are attempted at home.²¹⁴ The privacy of one's home decreases the degree of

204. Garen J. Wintemute, Carrie A. Parham, James Jay Beaumont, Mona Wright & Christiana Drake, *Mortality Among Recent Purchasers of Handguns*, 341 NEW ENG. J. MED. 1583, 1584 (1999).

205. *Id.*

206. *See Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173; Kar et al., *supra* note 153.

207. Kar et al., *supra* note 153, at 338, 341.

208. *Id.* at 341.

209. *Id.*

210. *Id.*

211. Cai et al., *supra* note 55, at 124, 127.

212. *Id.* at 124.

213. Kar et al., *supra* note 153, at 341.

214. *Basic Suicide Facts: Where?*, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://means-matter.hsph.harvard.edu/basic-suicide-facts/where/> [https://perma.cc/6TE9-JHRQ] (last visited Apr. 9, 2025).

rescuability.²¹⁵ Eighty-five percent of those who die by suicide at home die at the scene and never make it to the hospital.²¹⁶ Attempts in public places or near medical intervention are more rescuable.²¹⁷

Certain methods have a greater likelihood of being aborted mid-attempt.²¹⁸ Overdosing, cutting, carbon monoxide poisoning, and suffocation are all methods that can be interrupted without significant physical harm.²¹⁹ These methods work more slowly and “offer a window of opportunity for rescue or change of heart.”²²⁰ However, firearms do not offer this same window as they are more instantaneous, unstoppable, and generally irreversible.²²¹ Once the trigger is pulled, there is rarely an ability to rethink the action or be rescued.²²²

5. *Acceptability*

While suicide itself is generally not deemed acceptable, certain methods of suicide are more socioculturally acceptable to attempters than others.²²³ Individuals will choose methods based on their own perceptions of the methods as well.²²⁴ Cultural norms, traditions, moral attitudes, and high-profile media reporting affect a method’s general acceptability.²²⁵ For example, while fire is found everywhere, it is rarely, if ever, used as a method for suicide in the United States because it is not an “acceptable” practice.²²⁶ Methods widely understood as lethal,

215. See Kar et al., *supra* note 153, at 341 (“[A]ttempts without the plausibility of discovery, in remote situations are considered to have low rescueability . . .”).

216. *Basic Suicide Facts: Where?*, *supra* note 214.

217. Kar et al., *supra* note 153, at 341.

218. See *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173.

219. *Id.*

220. *Id.*

221. See *id.*; *Means Matter Basics: Firearm Access Is a Risk Factor for Suicide*, *supra* note 182.

222. *Means Matter Basics: Firearm Access Is a Risk Factor for Suicide*, *supra* note 182.

223. Yip et al., *supra* note 50, at 2395.

224. Cai et al., *supra* note 55, at 126.

225. *Id.* at 126–27; Yip et al., *supra* note 50, at 2395.

226. *Means Matter Basics: Lethality of Suicide Methods*, *supra* note 173.

painless, and readily available are more acceptable.²²⁷ This applies directly to firearms in the United States, which are readily available and universally accepted.²²⁸

The means matter because of means safety. Effective means safety will shape contextual factors, such as accessibility, acceptability, and lethality.²²⁹ It works to eradicate a prevalent method that is significantly increasing the overall suicide rate.²³⁰ Restriction of lethal and convenient means would decrease the overall suicide rate, but it would not decrease the feelings of suicide and subsequent suicidal impulses or even reduce attempts.²³¹ In actuality, means safety makes suicidal impulses more survivable, no matter the surrounding stressors or circumstances.²³² Means safety only works by reducing highly lethal, widely available methods.²³³ Restricting a low-lethality method or a method used infrequently probably would not noticeably decrease the suicide rate.²³⁴ Conversely, it may even increase the overall suicide rate because restricting a less fatal method could result in a substitute for a more fatal method.²³⁵ Reducing access to a highly lethal method, such as firearms—the most lethal suicidal method—allows for a second chance, and coupling tells us that people awarded a second chance do not often attempt to retake their own lives.²³⁶

227. See *Means Matter Basics: Method Choice and Intent*, *supra* note 166 (describing multiple studies).

228. Hawton, *supra* note 14, at 4.

229. See Yip et al., *supra* note 50, at 2395.

230. *Id.*

231. *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

232. Eddleston & Gunnell, *supra* note 97, at 9–10.

233. See *Means Matter Basics: Means Reduction Saves Lives*, *supra* note 24.

234. *Id.*

235. *Id.* While substitution is rare, it is always possible. If we restrict highly lethal methods, a person will replace them with a method with a lower lethality rate, which helps decrease the suicide rate because of the factors in this section.

236. *Stories of Hope and Recovery: Recent Suicide Attempt*, 988 LIFELINE, <https://988lifeline.org/story-categories/recent/> [<https://perma.cc/J522-NNKA>] (last visited Apr. 9, 2025) (illustrating various anecdotes of suicide survivors and their newfound belief in life).

III. FIREARM SUICIDE IN THE UNITED STATES

Suicide remains the leading cause of all gun deaths.²³⁷ More than half of all firearm-related deaths in 2022 were from suicide.²³⁸ The United States gun suicide rate has been consistently on the rise since 1999.²³⁹ In 2023, the gun suicide rate reached the highest level ever recorded by the CDC since it started collecting data in 1968.²⁴⁰ In 2023, there were approximately 27,300 suicides by firearm compared to about 27,032 suicides by firearm in 2022.²⁴¹

Firearms in the United States—like town gas in England, pesticides in Sri Lanka, and bridges in the United States—have become coupled.²⁴² However, unlike these examples, prevention efforts are abysmal or nonexistent. Despite overall demographic discrepancies in suicidal outcomes, there is an undeniable association between firearms and death by suicide, even when accounting for an individual's pre-existing characteristics, current emotions, access to pre-attempt preventative care,

237. DAVIS ET AL., *supra* note 183, at 5; SILVIA VILLARREAL, ROSE KIM, ELIZABETH WAGNER, NANDITA SOMAYAJI, ARI DAVIS & CASSANDRA CRIFASI, JOHNS HOPKINS CTR. FOR GUN VIOLENCE SOLS., GUN VIOLENCE IN THE UNITED STATES 2022: EXAMINING THE BURDEN AMONG CHILDREN AND TEENS 3 (2024) (comparing the number of firearm suicides to the number of firearm homicides in 2022).

238. In 2022, 56.1% of firearm deaths were by suicide. OFF. OF THE U.S. SURGEON GEN., FIREARM VIOLENCE: A PUBLIC HEALTH CRISIS IN AMERICA 6 (2024) [hereinafter FIREARM VIOLENCE: PUBLIC HEALTH CRISIS].

239. Fingar et al., *supra* note 32; VILLARREAL ET AL., *supra* note 237, at 2 (noting there were 704 more gun suicides in 2022, an increase of 2.7%, compared to 2021). The gun suicide rate has risen 29% in the last two decades. Fingar et al., *supra* note 32.

240. The gun suicide rate increased again by 1.5% in 2023 according to provisional data released by the CDC. *Continuing Trends: Five Key Takeaways from 2023 CDC Provisional Gun Violence Data*, JOHNS HOPKINS BLOOMBERG SCH. OF PUB. HEALTH (Sept. 12, 2024) [hereinafter *Continuing Trends*], <https://publichealth.jhu.edu/center-for-gun-violence-solutions/2024/continuing-trends-five-key-takeaways-from-2023-cdc-provisional-gun-violence-data> [https://perma.cc/V38K-7VFT] (reporting 27,300 people died from firearm suicide); see CDC *Provisional Data: Gun Suicides Reach All-time High in 2022, Gun Homicides Down Slightly from 2021*, JOHNS HOPKINS BLOOMBERG SCH. OF PUB. HEALTH (July 27, 2023), <https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-2021> [https://perma.cc/7KDQ-4VGX].

241. *Continuing Trends*, *supra* note 240; VILLARREAL ET AL., *supra* note 237, at 3.

242. GLADWELL, *supra* note 2, at 276 n.*.

and past suicidal thoughts and attempts.²⁴³ Why? Because firearms are highly available. They are present in over one-third of all American households,²⁴⁴ and account for more than 50% of suicide attempts, which is more than every other method combined.²⁴⁵ The fatality rate of other widely used suicide methods is about 2-3% compared to the fatality rate of firearms, which is 85-95%.²⁴⁶

Despite the clear evidence, American society is unwilling to admit that suicide is a coupled behavior, which continues to prevent the passage of meaningful firearm restriction laws.²⁴⁷ Specifically, means safety implementation could be seen as an infringement on the Second Amendment right to keep and bear arms.²⁴⁸ However, means safety does not mean eradicating all guns in the United States. Rather, it would work to reduce access to the most common and lethal method of suicide in the nation during short-lived suicidal crises.²⁴⁹ Even if displacement to other methods of suicide were to occur, lives can still be saved because different methods are far less lethal than firearms.²⁵⁰ For the overall suicide rate in the United States to decline, the federal government must use a variety of means safety tools and implement four types of state laws that have shown success in decreasing the gun suicide rate, as well as the overall suicide rate: (1) background checks, (2) secure gun storage

243. Am. Ass'n of Suicidology, Firearm Statement, *supra* note 25, at 1–2.

244. *Percentage of Households in the United States Owning One or More Firearms from 1972 to 2023*, STATISTA (July 5, 2024), <https://www.statista.com/statistics/249740/percentage-of-households-in-the-united-states-owning-a-firearm/> [<https://perma.cc/BUZ8-736V>].

245. *Basic Suicide Facts: How?*, *supra* note 180; see also CDC, *Suicide Data and Statistics*, *supra* note 42.

246. Am. Ass'n of Suicidology, Firearm Statement, *supra* note 25, at 1.

247. See GLADWELL, *supra* note 2, at 276 n.*.

248. Barber & Miller, *supra* note 39, at S267 (noting means safety measures may be misinterpreted as “embracing gun control, a politically polarizing issue.”); cf. *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008) (striking down a law that prohibited the possession of handguns in the home while also noting that the Second Amendment is not “a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”).

249. See Fingar et al., *supra* note 32 (reducing access to guns did not lead to an increase in other suicide methods in the United States since suicide is mostly an acute crisis).

250. Cai et al., *supra* note 55, at 126.

policies, (3) minimum age requirements, (4) and waiting periods. In tandem, these laws decrease accessibility to firearms for those in suicidal crisis, saving countless lives.

A. *History of Federal Firearm Laws in the United States*

The means safety approach in the United States inevitably would require focusing on the most common method of suicide currently present: firearms. Ideally, through legislation, the United States would reduce the overall number of guns present in the nation. Research dictates that a 10% reduction in firearm ownership in the entire United States would result in a 2.5% reduction in the overall suicide rate, or about eight hundred deaths per year.²⁵¹ However, the history of firearm legislation proves this to be difficult.²⁵² Further, the goal of means safety is not to implement a sweeping firearm ban that the Second Amendment precludes.²⁵³ Federally, the government should instead implement legislation focused on suicidal tendencies and limit access to firearms in times of crisis by using the four state laws outlined in Section IV.B below.

Most gun legislation has been focused on homicidal gun violence, even though firearm suicides consistently outpace the number of firearm homicides.²⁵⁴ As a result, federal firearm laws have historically tried to restrict access to firearms for

251. See *id.*; Renee Butkus, Robert Doherty & Hilary Daniel, *Reducing Firearm-related Injuries and Deaths in the United States: Executive Summary of a Policy Position Paper from the American College of Physicians*, 160 ANNALS INTERNAL MED. 813, 864 (2014).

252. See *Gun Control, Explained*, N.Y. TIMES, <https://www.nytimes.com/explain/2023/gun-control> [<https://perma.cc/NC26-93WJ>] (Jan. 26, 2023). See generally *Appendix C: History of Federal Firearms Laws in the United States*, U.S. DEPT OF JUST., <https://www.ice.gov/archive/opd/AppendixC.htm> [<https://perma.cc/3QRT-UGBE>] (last visited Apr. 9, 2025) (outlining the chronological history of federal firearm laws in the United States).

253. Emily Baumgaertner, *U.S. Rate of Suicide by Firearm Reaches Record Level*, N.Y. TIMES (Nov. 30, 2023), <https://www.nytimes.com/2023/11/30/health/suicide-guns-cdc.html> [<https://perma.cc/G45P-RZCB>] (“‘The goal is not to infringe upon their autonomy as an owner,’ [Dr. Anestis of the New Jersey Gun Violence Research Center] said. ‘It’s to make sure that, in their worst moment, it’s not right there at their fingertips.’”); Kivisto, *supra* note 167, at 170.

254. See Ivana Saric, *Gun Suicides Account for Most Firearm-related Deaths in U.S.*, AXIOS (June 10, 2024), <https://www.axios.com/2024/06/10/gun-violence-suicide-homicide-statistics> [<https://perma.cc/Z8ZQ-XAGM>].

criminals and the mentally ill.²⁵⁵ In regards to suicide, federal firearm restrictions that are enforced only at the point of sale remain ineffective for suicide prevention because most suicides are accomplished through legally obtained firearms that are conveniently accessible.²⁵⁶ While owning a firearm does not increase feelings of suicidal ideation, storing a loaded firearm at home does increase the risk of suicide attempts and, ultimately, a fatal outcome for everyone in that household.²⁵⁷

The Gun Control Act of 1968 (“GCA”) is the primary approach of the federal government to restrict firearm access.²⁵⁸ President John F. Kennedy’s assassination prompted the initial discussion of firearm reform after the gun used was obtained through a mail-order advertisement in the magazine *American Rifleman*.²⁵⁹ It was not until the assassinations of both Dr. Martin Luther King, Jr. and Senator Robert F. Kennedy that Congress took genuine initiative and passed the GCA.²⁶⁰ The GCA has been amended over the years, but its goal remains the same: “keep firearms out of the hands of those not legally entitled to possess them because of age [and] criminal background or incompetency.”²⁶¹

255. See Appendix C: History of Federal Firearms Laws in the United States, *supra* note 252; Gun Trafficking, EVERYTOWN, <https://www.everytown.org/issues/gun-trafficking/> [https://perma.cc/4ZD5-8XKH] (last visited Apr. 9, 2025).

256. See *Gun Safety Policies Save Lives*, EVERYTOWN, <https://everytownresearch.org/rankings/> [https://perma.cc/BD4N-ZC6T] (last visited Apr. 9, 2025); DREXLER, *supra* note 143, at 26 (“Gun owners and their families are much more likely to kill themselves than are non-gun owners.”). A high degree of gun suicides occurs in states with high rates of gun ownership. April Opoliner, Deborah Azrael, Catherine Barber, Garrett Fitzmaurice & Matthew Miller, *Explaining Geographic Patterns of Suicide in the U.S.: The Role of Firearms and Antidepressants*, INJURY EPIDEMIOLOGY, Mar. 20, 2014, at 1, 6.

257. See DREXLER, *supra* note 143, at 26, 28.

258. See Gun Control Act of 1968, 18 U.S.C. §§ 921–928; *Gun Control Act of 1968*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/rules-and-regulations/gun-control-act> [https://perma.cc/3AKR-D6RA] (Oct. 21, 2022) [hereinafter *ATF Gun Control Act of 1968*]; Appendix C: History of Federal Firearms Laws in the United States, *supra* note 252.

259. Jon Michaud, *The Birth of the Modern Gun Debate*, NEW YORKER (Apr. 29, 2012), <https://www.newyorker.com/books/double-take/the-birth-of-the-modern-gun-debate> [https://perma.cc/NPX9-MKZ8].

260. See Appendix C: History of Federal Firearms Laws in the United States, *supra* note 252.

261. *Id.*

The GCA was the federal government's attempt to regulate "interstate and foreign commerce in firearms."²⁶² It has several key provisions, such as regulating transfers and possession, importing and regulating firearms in commerce, and requiring federal licenses for transferring firearms.²⁶³ The GCA imposed an age minimum on all federally licensed firearm sales across the United States to purchasers aged twenty-one years or older, but those between the ages of eighteen and twenty-one could still purchase handguns from unlicensed dealers, and there was no age restriction for the purchase of rifles or long guns.²⁶⁴ These policies have not changed federally, but twenty-two states have raised their policies to age twenty-one for handgun purchases and eighteen for long gun sales, regardless of whether the sale is from a federally licensed dealer or an unlicensed one.²⁶⁵

In 1986, Congress loosened restrictions established by the GCA through the Firearms Owners' Protection Act ("FOPA").²⁶⁶ The most significant change was directing the Bureau of Alcohol, Tobacco, Firearms & Explosives' ("ATF") efforts away from enforcing and patrolling illegal firearms markets and instead creating programs that identify and punish violent criminals who use firearms.²⁶⁷

Firearm violence continued to escalate through the 1980s and 1990s; in response, President Clinton enacted the Brady Handgun Violence Prevention Act ("Brady Act"), which went

262. *ATF Gun Control Act of 1968*, *supra* note 258.

263. *Id.*; § 922(a)(1) (restricting unlicensed dealers from engaging in importing, manufacturing, or dealing firearms); § 922(a)(2) (restricting unlicensed dealers from shipping or transporting firearms in foreign commerce); § 922(b) (listing the parties prohibited from buying a firearm from any licensed dealer or manufacturer).

264. § 922(b)(1) (restricting the sale of firearms to minors and individuals under 21); *Appendix C: History of Federal Firearms Laws in the United States*, *supra* note 252.

265. *Has the State Raised the Minimum Age for Purchasing Firearms?*, EVERYTOWN, <https://everytownresearch.org/rankings/law/minimum-age-to-purchase/> [https://perma.cc/8FSU-7SXB] (Jan. 15, 2025).

266. *See Appendix C: History of Federal Firearms Laws in the United States*, *supra* note 252.

267. *Id.*

into partial effect in February of 1994.²⁶⁸ It required licensed firearm dealers to perform background checks on potential handgun purchasers and implemented a five-day waiting period to allow sufficient time for the check.²⁶⁹ During the Brady Act’s interim policy period, there was a 17% reduction in firearm homicides and a 6% reduction in gun suicides.²⁷⁰ However, when the permanent provisions of the Brady Act took effect in late 1998, the National Instant Criminal Background Check System (“NICS”) was implemented, and many states discarded their waiting periods since a waiting period was no longer required by federal law.²⁷¹ States must still conduct a background check through the FBI or their own NICS. The FBI oversees background checks in thirty-one states, and the remaining fifteen states conduct their own checks through the NICS.²⁷² The sale can be completed by default if the FBI cannot complete a background check within three business days.²⁷³

In recent years, two bills have been proposed in the House of Representatives relating to the drastic increase in firearm suicides: the Gun Suicide Prevention Act and the Child Suicide Prevention and Lethal Means Safety Act. Representative Julia Brownley first proposed the Gun Suicide Prevention Act in September 2021.²⁷⁴ It was referred to two subcommittees but eventually stalled in the House until Brownley reintroduced the bill

268. *Appendix C: History of Federal Firearms Laws in the United States*, *supra* note 252; *Brady Law*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/rules-and-regulations/brady-law> [<https://perma.cc/ZP7H-75D9>] (Mar. 14, 2025).

269. *Brady Law*, *supra* note 268.

270. Michael Luca, Deepak Malhotra & Christopher Poliquin, *Handgun Waiting Periods Reduce Gun Deaths*, 114 PNAS 12162, 12164 (2017).

271. *Id.* at 12165.

272. *About NICS*, FBI, <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/about-nics> [<https://perma.cc/9W7D-QZH4>] (last visited Apr. 9, 2025).

273. *Waiting Periods*, GIFFORDS L. CTR., <https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/waiting-periods/> [<https://perma.cc/6SAH-KYC2>] (last visited Apr. 9, 2025). Background checks are delayed if the Federal Bureau of Investigation cannot easily access state records, such as criminal records. 34 U.S.C. § 40902(3)–(5).

274. Gun Suicide Prevention Act, H.R. 5436, 117th Cong. (2021).

in the 118th Congress in September 2023.²⁷⁵ The Gun Suicide Prevention Act seeks to prohibit firearm manufacturers and retailers from selling firearms, “unless the firearm includes a label with the toll-free telephone number for the National Suicide Prevention Lifeline.”²⁷⁶ To date, the bill has had no considerable movement.²⁷⁷

The Child Suicide Prevention and Lethal Means Safety Act wants to specifically address the increase in firearm suicide in children and young adults.²⁷⁸ Representative Lauren Underwood introduced the bill in February 2024.²⁷⁹ It aims to reduce the suicide rates of those under the age of twenty-six by “implement[ing] evidence-aligned practices in health care settings.”²⁸⁰ The bill would require the Department of Health and Human Services to fund lethal means safety training for states, as well as health departments, hospitals, and other organizations.²⁸¹ The grants would be used to educate and train certain entities to identify at-risk individuals, counsel individuals and family members about lethal means safety and injury prevention, and reduce the cost of secure gun storage or safety devices to residences with at least one covered individual.²⁸² The Child Suicide Prevention and Lethal Means Safety Act, if passed, would be the first federal law to address evidence-based safety practices.

275. H.R. 5436; Press Release, Rep. Julia Brownley, Brownley Introduces Legislation to Address Alarming Rate of Suicide (Sept. 14, 2023) [hereinafter *Brownley Introduces Legislation to Address Alarming Rate of Suicide*], <https://juliabrownley.house.gov/brownley-introduces-legislation-to-address-alarming-rate-of-suicide/> [https://perma.cc/S9WY-RG6N]; Gun Suicide Prevention Act, H.R. 5467, 118th Cong. (2023).

276. H.R. 5436.

277. H.R. 5467 (118th): Gun Suicide Prevention Act, GOVTRACK.US, <https://www.govtrack.us/congress/bills/118/hr5467> [https://perma.cc/3BHQ-6T6B] (Sept. 21, 2023) (estimating a 1% chance of passing); H.R. 5467 - Gun Suicide Prevention Act, CONGRESS.GOV, <https://www.congress.gov/bill/118th-congress/house-bill/5467/all-actions> (last visited Apr. 9, 2025).

278. Child Suicide Prevention and Lethal Means Safety Act, H.R. 7265, 118th Cong. (2024).

279. *Id.*

280. *Id.*

281. *Id.* § 2(c)–(d) (listing eligible entities to receive grant funding for programs).

282. *Id.* § 2(d)(1), (2), 2(e)(1). A covered individual is anyone below the age of twenty-six. *Id.* § 5.

B. Successful State Firearm Laws and Their Impact on the Suicide Rate

Suicide rates vary drastically across the fifty states because of the discrepancies in gun laws.²⁸³ In 2022, states with the strongest gun laws had a gun suicide rate of approximately three per one hundred thousand people.²⁸⁴ On the other hand, states with the weakest gun laws had a suicide rate of roughly eleven per one hundred thousand people.²⁸⁵ The states with the strongest gun laws are the only states, from 1999 to 2022, that have seen a decrease in suicide gun rates with no increase in suicide rates using other methods.²⁸⁶ States with the weakest gun laws saw a 39% increase in their gun suicide rates in the same time span.²⁸⁷ The Gun Suicide Prevention Act is on the right track, but the impulsivity of suicide will make the act unsuccessful in its mission.²⁸⁸ The Child Suicide Prevention and Lethal Means Safety Act is more on point, but the education and training methods should be implemented for all ages, not just young adults and teens. For the overall suicide rate in the United States to decline, the federal government must take action as individual states have. Four types of state laws are most effective in reducing the number of suicide deaths: (1) background checks on all sales, (2) secure gun storage policies, (3) minimum age requirements, and (4) waiting period laws.²⁸⁹

283. See Heather Saunders, *Do States with Easier Access to Guns Have More Suicide Deaths by Firearm?*, KFF (July 18, 2022), <https://www.kff.org/mental-health/issue-brief/do-states-with-easier-access-to-guns-have-more-suicide-deaths-by-firearm/> [https://perma.cc/5LY3-RRRZ]. While the rates of total suicide and gun suicide are drastically different between states, rates of suicide for all other means are not markedly different. Fingar et al., *supra* note 32.

284. Fingar et al., *supra* note 32.

285. *Id.*

286. See *id.*

287. *Id.*

288. As beneficial as the National Suicide Prevention Lifeline is to many people experiencing a crisis, if the attempter has the accessible, lethal means, it is unlikely they will stop themselves and call the number. See discussion *supra* Sections II.B, II.C; see also *infra* note 337 and accompanying text; Anderson, *supra* note 14 ("The element of impulsivity in firearm suicide means that it is a method in which . . . 'means restriction' might work to great effect.").

289. Fingar et al., *supra* note 32.

1. *Background check requirements*

Background checks act as the foundation for stronger gun laws.²⁹⁰ Since the Brady Act's enactment in 1994, almost 4.9 million prohibited gun sales have been prevented.²⁹¹ The reasons a potential gun purchaser may be flagged include (1) felony conviction, (2) substance abuse, (3) disqualifying mental illness, or (4) subject to a restraining order or domestic violence misdemeanor.²⁹² Through the Brady Act, federally licensed firearm dealers initiate a background check through the NICS.²⁹³ Most determinations take minutes; however, some records are unclear and require more time to determine eligibility.²⁹⁴ In these cases, federal law allows the dealer to continue with the sale after three days without a definitive response.²⁹⁵ Specifically, because of this loophole, a white supremacist was able to purchase the firearm used in the killing of nine Black churchgoers in Charleston, South Carolina, in 2015.²⁹⁶

Under federal law, background check requirements only apply to purchases made through licensed dealers; guns sold through private sales do not require a Brady Background Check.²⁹⁷ Because of this oversight, states with expanded background requirements are the first line of defense.²⁹⁸ States can add additional requirements to the background check process, such as permit-to-purchase laws and requiring unlicensed dealers to conduct background checks.²⁹⁹ For example, Connecticut increased its background check requirements and saw a

290. *Background Checks on All Gun Sales*, EVERYTOWN, <https://www.everytown.org/solutions/background-checks/> [<https://perma.cc/7QLH-CVPT>] (last visited Apr. 9, 2025).

291. *Brady Background Checks*, BRADY, <https://www.bradyunited.org/resources/issues/brady-background-checks> [<https://perma.cc/FAK4-U2AV>] (last visited Apr. 9, 2025).

292. *See id.*

293. *Id.*

294. *Id.*

295. *Id.*

296. *Id.*

297. *Id.*

298. *Id.*

299. *See* Crifasi et al., *supra* note 172, at 43–44 (discussing permit-to-purchase laws, among other state processes).

significant decrease in its firearm suicide rate.³⁰⁰ When Missouri repealed its increased requirements, its firearm suicide rate rose 16%.³⁰¹ Further, background check laws that expand upon federal law saw markedly lower rates of gun trafficking,³⁰² so universal background checks on all sales are also beneficial to the goal of keeping guns out of the hands of criminals.

2. *Secure storage and child-access prevention laws*

Unsecured firearms in gun-owning households increase the risk of suicide, especially in young children and adolescents.³⁰³ Unfortunately, about two-thirds of gun owners have at least one unsecured firearm in their home.³⁰⁴ Secure storage laws seek to hold gun owners accountable for failing to securely store firearms in hopes of preventing children from accessing them.³⁰⁵

There are two broad categories of safe storage laws: “laws that require a gun owner to secure their firearms at all times when they are not in their immediate possession or control or if a child may or is likely to access an unsecured gun; and laws that penalize a gun owner if a child *does* access an unsecured gun.”³⁰⁶ In one study, secure storage laws were found to have no significant effect on suicide rates, but this study did not specifically examine adolescents, who are likely the most affected by unsecured firearms.³⁰⁷ Other studies that have accounted for

300. *Id.* at 46–47.

301. *Id.*

302. *Update Background Check Laws*, EVERYTOWN, <https://everytownresearch.org/report/update-background-check-laws/> [<https://perma.cc/7KKX-LTSD>] (May 10, 2024). The ATF reported that, from 2017 to 2024, sixty-eight thousand trafficked guns were supplied by unlicensed sellers who do not conduct background checks. *Id.*

303. See BRADY UNITED AGAINST GUN VIOLENCE, THE TRUTH ABOUT SUICIDE AND GUNS 8 (2021); Fingar et al., *supra* note 32.

304. Michael D. Anestis, Jayna Mocerri-Brooks, Rachel L. Johnson, Craig J. Bryan, Ian H. Stanley, Jessica T. Buck-Atkinson, Justin C. Baker & Marian E. Betz, *Assessment of Firearm Storage Practices in the US, 2022*, JAMA NETWORK OPEN, Mar. 2, 2023, at 1, 2 [hereinafter Anestis et al., *US Firearm Storage Practices*].

305. Fingar et al., *supra* note 32.

306. *Id.*

307. See Michael D. Anestis, Joye C. Anestis & Sarah E. Butterworth, *Handgun Legislation and Changes in Statewide Overall Suicide Rates*, 107 AM. J. PUB. HEALTH 579, 579–80 (2017).

child access show a likely decrease in total suicides among young people.³⁰⁸

Over the past two decades, states that have reckless or no secure storage laws saw a 36% increase in gun suicide rates for ten to twenty-four year olds.³⁰⁹ States with the strongest secure storage laws saw a 1% decrease in the youth gun suicide rate.³¹⁰ Safe storage laws could decrease the odds that an individual will use a firearm in a suicide attempt by reducing access to the weapon or making the use of a gun in a suicide attempt more logistically challenging.³¹¹ Research indicates that child-access prevention (“CAP”) laws may reduce the teen suicide rate by approximately 8%.³¹²

Individuals who own guns are reluctant to safely store firearms in case of break-ins or other threats of harm.³¹³ To address this issue, there are several ways to securely store firearms without risking family safety.³¹⁴ Options include a cable lock, a gun case, or a lockbox.³¹⁵ Even storing a gun unloaded with

308. *Effects of Child-Access Prevention Laws on Suicide*, RAND, <https://www.rand.org/research/gun-policy/analysis/child-access-prevention/suicide.html> [https://perma.cc/JK6F-GHAW] (July 16, 2024).

309. Fingar et al., *supra* note 32.

310. *Id.*

311. See David A. Brent, *Firearms and Suicide*, 932 ANNALS N.Y. ACAD. SCI. 225, 228, 235–36 (2001) (finding that variables like how a gun is stored “modify risk substantially”).

312. Daniel W. Webster, Jon S. Vernick, April M. Zeoli & Jennifer A. Manganello, *Association Between Youth-Focused Firearm Laws and Youth Suicides*, 292 JAMA 594, 596 (2004) (finding an 8.3% reduction in firearm suicides for those aged fourteen through seventeen attributable to child-access prevention laws).

313. Anestis et al., *US Firearm Storage Practices*, *supra* note 304, at 4 (finding, in a study of 2,152 gun owners aged 18 and over, 92.6% of handgun owners and 57.1% of long gun owners reported owning handguns for home protection). The White House has also advocated that firearms be readily available to the owner but inaccessible or otherwise inoperative to family members. U.S. DEP’T OF JUST., *SAFE STORAGE OF FIREARMS 1* (2024) [hereinafter DOJ, *SAFE STORAGE*], <https://www.justice.gov/media/1337981/dl?inline>.

314. U.S. DEP’T OF VETERANS AFF’S, *SUICIDE PREVENTION IS EVERYONE’S BUSINESS: A TOOLKIT FOR SAFE FIREARM STORAGE IN YOUR COMMUNITY 3* (2020) [hereinafter *FIREARM SAFE STORAGE TOOLKIT*]; DOJ, *SAFE STORAGE*, *supra* note 313, at 2–3.

315. *FIREARM SAFE STORAGE TOOLKIT*, *supra* note 314, at 3; *Guide to Secure Gun Storage Devices*, EVERYTOWN, <https://everytownsupportfund.org/guide-to-secure-gun-storage-devices/> [https://perma.cc/L23P-JJHS] (last visited Apr. 9, 2025); Anestis et al., *US Firearm Storage Practices*, *supra* note 304, at 7 (listing the various storage mechanisms used by gun owners that can be accessed by keypad, pin, lock, or biometrically).

ammunition in a different or locked location could prevent harm to those intent on suicide.³¹⁶

3. Minimum age requirements

The minimum age for buying firearms on the federal level is dangerously low and is not consistent between the type of gun or the dealer.³¹⁷ To purchase long guns (including assault weapons) from a licensed dealer, federal law only requires a person to be eighteen years old.³¹⁸ For a handgun, a purchaser needs to be twenty-one years old.³¹⁹ States that have increased the minimum purchase age to twenty-one for all firearm purchases from all dealers saw a significant decrease in firearm suicides, especially between ages eighteen and twenty-one.³²⁰ However, not all studies are consistent, and there is inconclusive evidence for how minimum age requirements affect the total suicide rate.³²¹ If minimum age requirements were to be effective, they would specifically reduce the firearm suicide rate among young people, but they are not significantly effective on their own.³²² Minimum age requirements would enhance the success of the other state laws.

316. DOJ, SAFE STORAGE, *supra* note 313, at 2; FIREARM SAFE STORAGE TOOLKIT, *supra* note 314, at 4.

317. *Has The State Raised the Minimum Age for Purchasing Firearms?*, *supra* note 265.

318. *Id.*

319. *Id.*

320. *Effects of Minimum Age Requirements on Suicide*, RAND, <https://www.rand.org/research/gun-policy/analysis/minimum-age/suicide.html> [<https://perma.cc/6CEM-KTDM>] (July 16, 2024); Julia Raifman, Elysia Larson, Colleen L. Barry, Michael Siegel, Michael Ulrich, Anita Knopov & Sandro Galea, *State Handgun Purchase Age Minimums in the US and Adolescent Suicide Rates*, *BMJ*, July 2020, at 1, 6 (“[W]e estimated an excess of 344 suicides among adolescents aged 18 to 20 years in each state with a minimum age of 18 years, relative to 21 years, for the purchase of handguns.”).

321. *Effects of Minimum Age Requirements on Suicide*, *supra* note 320.

322. *Id.*; Raifman et al., *supra* note 320, at 7; Sarah C. Peck, *Minimum Age Firearm Purchase Laws, by Themselves, Don’t Prevent Youth Suicide*, 114 *AM. J. PUB. HEALTH* 766, 766 (2024) (describing how federal law currently provides various loopholes for those aged eighteen to twenty-one to obtain a firearm used for suicide).

4. *Waiting period laws*

A waiting period is a mandatory delay between the purchase and delivery of a gun.³²³ Typically, the waiting period is between two and seven days.³²⁴ Waiting period laws draw on psychological and behavioral “cooling off” periods.³²⁵ Delaying the purchase of a firearm reduces gun violence rates by postponing the visceral state of violence experienced by the purchaser.³²⁶ It will also close the window of opportunity for would-be perpetrators.³²⁷ In states with waiting period laws, there is a 7-11% reduction in gun suicides, controlling for state-level economic and demographic changes—an equivalent difference of twenty-two to thirty-five gun suicides per year for the average state.³²⁸ It is important to note that in a study of 238,292 California handgun owners, 24.5% died by firearm suicide with a handgun they had purchased within the year prior.³²⁹ Despite this, waiting period laws do work and specifically apply to the short-lived impulsivity of suicidal crises. Waiting period laws reduce gun violence but do not impose any clear restrictions on who can purchase and own a gun, which would appeal to opponents of other firearm restriction laws.³³⁰

The four state laws outlined above work together to reduce access to firearms (the most lethal method of suicide in the United States), help intervene in times of suicidal crises, and target groups of individuals who are at risk of attempting suicide by firearm.³³¹ Such changes are effective in reducing firearm suicide rates because individuals are prevented from succeeding on their first attempt by using a highly fatal method.³³²

323. Luca et al., *supra* note 270, at 12162.

324. *Id.*

325. *Id.*

326. *Id.*

327. *Id.*

328. *Id.* at 12163–64.

329. Wintemute et al., *supra* note 204, at 1584.

330. Luca et al., *supra* note 270, at 12164.

331. Anderson, *supra* note 14.

332. Barber & Miller, *supra* note 39, at S267.

Attempters will also be able to seek the appropriate help after their attempt is halted by a lack of means.³³³ Now that the unsuccessful federal gun law landscape and successful state gun law landscape have been outlined, the following section aims to give further detail on successful state laws and why they should be adopted at the federal level.

IV. MEANS SAFETY IN THE UNITED STATES

The U.S. gun-suicide rate is almost twelve times higher than that of other high-income countries.³³⁴ The federal system for gun restriction is far too weak overall, and states cannot actively rely on it for support.³³⁵ Congress’s semi-admittance to the responsibility of firearms in the increase of suicide numbers gives a glimmer of hope. Still, the Gun Suicide Prevention Act and the Child Suicide Prevention and Lethal Means Safety Act will not accomplish what Congress hopes they will. The idea behind the Gun Suicide Prevention Act is well-intentioned, but, like most suicide prevention tactics, it addresses the underlying feelings of suicide, not convenience.³³⁶ Once the gun is in someone’s hand, the likelihood that the attempter will call the National Suicide Prevention Lifeline is incredibly low.³³⁷ And while education is a key aspect of means safety, the Child Suicide Prevention and Lethal Means Safety Act must include more tangible impediments to the accessibility and lethality of firearms. As explained above through the examples of coupling, the only true preventative measure is to decrease the accessibility of a lethal suicidal method, especially firearms. Strong gun safety

333. See Anestis et al., *supra* note 307, at 580–81.

334. *Gun Violence in America*, EVERYTOWN, <https://everytownresearch.org/report/gun-violence-in-america/> [https://perma.cc/3SYP-UK9M] (Nov. 7, 2024).

335. *Gun Safety Policies Save Lives*, *supra* note 256.

336. *Brownley Introduces Legislation to Address Alarming Rate of Suicide*, *supra* note 275 (“Suicide ideation . . . can be alleviated by making a connection with another person when an individual is in crisis. The National Suicide Prevention Lifeline can provide that connection . . .”).

337. See Patrice Harley, *People Who Die by Suicide with a Firearm Are Less Likely to Have Sought Treatment*, RUTGERS UNIV. (Mar. 14, 2022), <https://www.rutgers.edu/news/people-who-die-suicide-firearm-are-less-likely-have-sought-treatment> [https://perma.cc/AJ4T-X439].

laws reduce the overall suicide rate because they reduce the convenience of firearms during short-lived suicidal crises.³³⁸

If the federal government wants to take action (and it should), Congress should create and enforce laws that emulate gun safety laws in the states with the lowest gun suicide rates. If all fifty states had implemented stronger gun safety laws and experienced similar gun suicide trends as the eight states with the strongest gun laws, approximately seventy-two thousand lives would have been saved between 1999 and 2022.³³⁹ Action must be taken on the federal level because even the most robust state systems cannot protect that state from a neighboring state's weak laws. For instance, Illinois and Maryland have notably strong gun laws, but continue to have high levels of gun violence in their biggest cities due to trafficking.³⁴⁰ Conversely, Rhode Island and New Hampshire have "unusually low" rates of gun violence despite their weaker laws, in part because states with strong gun laws surround them.³⁴¹

A. Background Checks

As of 2024, only twenty-two states had enacted stricter background check laws than what is currently required at the federal level.³⁴² Because background checks are the foundational basis for comprehensive legislation and are the least opposed by Americans and gun owners,³⁴³ the federal government should expand its background check requirements to those of New Jersey.³⁴⁴ New Jersey state law requires licensed dealers to complete an NICS check before approving a handgun permit

338. Fingar et al., *supra* note 32.

339. *Id.*

340. *Gun Safety Policies Saves Lives*, *supra* note 256.

341. *Id.*

342. *Update Background Check Laws*, *supra* note 302.

343. As of March 2021, more than 90% of American voters were in support of background check requirements on all gun sales, including 89% of both Republicans and gun owners. *Id.*

344. New Jersey ranks sixth in the nation for its strong gun laws, requiring both a permit and background check for gun purchases. *Gun Laws in New Jersey*, EVERYTOWN, <https://everytownresearch.org/rankings/state/new-jersey/> [https://perma.cc/YS8A-FWQW] (Jan. 15, 2025).

for a purchaser.³⁴⁵ It also requires dealers to maintain all transaction records and submit the background check records to the Superintendent of State Police, who reviews the firearm permit application for completeness and confirmation of the background check.³⁴⁶ It can take almost thirty days for a New Jersey resident to receive a firearm permit.³⁴⁷ New Jersey has an average firearm suicide rate of two suicides per one hundred thousand people, which is the third-lowest rate in the United States.³⁴⁸ This is likely, in part, because background checks are required on all firearm sales, and background checks are performed both at the point of sale and when applying for a permit to purchase.³⁴⁹ The federal government could go a step further than New Jersey and increase the minimum purchase age for both handguns and long guns. States with a minimum purchase age for both handguns and long guns, in combination with enhanced background checks, saw a 39% reduction in the rate of suicide in young adults, as well as a 14% reduction in the overall suicide rate, with no effect on the rate of other suicidal methods.³⁵⁰

The federal government should also expand its regulations to close the unlicensed gun supplier loophole. Closing this loophole would require unlicensed sellers to meet buyers at an

345. N.J. STAT. ANN. § 2C-58:3(a)(3) (West 2024).

346. *Id.*

347. *Waiting Periods in New Jersey*, GIFFORDS L. CTR., <https://giffords.org/lawcenter/state-laws/waiting-periods-in-new-jersey/> [<https://perma.cc/3P85-9WL5>] (Dec. 31, 2023).

348. *How Does Gun Violence Impact the Communities You Care About?*, EVERYSTAT, <https://everystat.org/#NewJersey> [<https://perma.cc/Q9M4-BLUK>] (filter by “Suicides”) (last visited Apr. 9, 2025).

349. *Gun Laws in New Jersey*, *supra* note 344. The double background check in New Jersey is likely more effective because it is inherently combined with a permit process. Compare Michael Siegel, *Universal Background Checks, Permit Requirements, and Firearm Homicide Rates*, JAMA NETWORK OPEN, Aug. 2024, at 1, 7–8 (finding that background checks, by themselves, did not lower suicide rates, but that background checks did lower suicide rates in combination with other measures), with *Background Checks on All Gun Sales*, *supra* note 290 (finding background checks to be an integral part of violence prevention).

350. Peck, *supra* note 322, at 767 (reasoning that enhanced background checks will deter young adults in crisis).

agreed-upon location to perform a background check.³⁵¹ Because 99% of Americans live within ten miles of a gun dealer, background checks would not significantly impede someone from legally obtaining a firearm.³⁵²

B. *Waiting Periods*

The federal government should also implement a standardized waiting period for all gun purchases. As of 2024, only thirteen states have implemented mandatory waiting periods before a purchaser can physically obtain a firearm;³⁵³ however, these periods are not standardized.³⁵⁴ Because of the potential underdiagnosis of depression and lack of traditional risk factors in those who use firearms to commit suicide,³⁵⁵ applying a waiting period of at least a week would allow a suicidal crisis to pass and for a potential attempter to seek help. Policies that have created a lapse from purchase to physically obtaining the firearm have seen a decrease in suicide.³⁵⁶ For example, New Jersey's waiting period law, in combination with its stronger

351. *Update Background Check Laws*, *supra* note 302; Alex Yablon, *Internet Gun Sales and Background Checks, Explained*, THE TRACE, <https://www.thetrace.org/2016/01/internet-gun-sales-background-checks/> [<https://perma.cc/DU8T-XTB6>] (Oct. 6, 2020) (describing how some online gun sales still need to find a physical store with a Federal Firearms License to conduct a background check before receiving the gun). In 2024, the ATF published guidance on when an unlicensed dealer must obtain a license because they are "engaged in the business" as a "dealer" in firearms. Definition of "Engaged in the Business" as a Dealer in Firearms, 89 Fed. Reg. 28968 (Apr. 19, 2024).

352. Press Release, Sen. Chris Murphy, Murphy: We Know Background Checks Work and 90 Percent of Americans Support Them (Dec. 7, 2023), <https://www.murphy.senate.gov/newsroom/press-releases/murphy-we-know-background-checks-work-and-90-percent-of-americans-support-them> [<https://perma.cc/4X2L-K4MY>].

353. *Which States Require a Waiting Period Before Gun Purchases?*, EVERYTOWN, <https://everytownresearch.org/rankings/law/waiting-periods/> [<https://perma.cc/3P85-9WL5>] (Jan. 15, 2025).

354. FLA. STAT. § 790.0655(1)(a) (2024) (three days); N.J. STAT. ANN. § 2C:58-2(5)(a) (West 2024) (seven days); MINN. STAT. § 624.7132, subd. 4 (2024) (thirty days, unless waived).

355. Harley, *supra* note 337. Only 26% of those who died by firearm suicide sought treatment compared to 40% of those who died by other means. *Id.*

356. *Firearm Suicides in the United States*, *supra* note 37.

background check laws, significantly reduces the likelihood of suicide in that state.³⁵⁷

Waiting periods work because they intervene in times of suicidal impulse and allow the initial feelings of suicide to subside. Waiting periods also do not infringe on a person's right to own a firearm, so it remains a valuable option for suicide prevention without much blowback from opponents of gun restriction legislation.³⁵⁸ If the federal government were to enact stronger background check laws and standardized waiting periods, there would be a drastic decrease in the number of suicides and overall gun deaths per year. States that have both universal background checks and mandatory waiting periods decrease the occurrence of suicide by .76 per 100,000 people, while states with neither increase the occurrence of suicide by 1.04 per 100,000 people.³⁵⁹ In tandem with a minimum age requirement on all firearm purchasers from all dealers, there would be a greater reduction in the suicide rate.³⁶⁰

C. Secure Storage Laws

Immediate access to a firearm puts a person in crisis within arm's length of a successful suicide. The presence of a gun in the home is associated with an increased likelihood of suicide.³⁶¹ Means safety implementation is not about eradicating all firearms in the United States, but instead educating gun owners and sellers on the importance of reducing accessibility to those in suicidal crisis, similar to what the Child Suicide Prevention and Lethal Means Safety Act is attempting to implement. An estimated thirty-six hundred to thirty-nine hundred lives would be saved if a quarter of households in the United States

357. *Gun Laws in New Jersey*, *supra* note 344; N.J. STAT. ANN. § 2C:58-2(5)(a) ("No handgun shall be delivered to any person unless such person possesses and exhibits a valid permit to purchase a firearm and at least seven days have elapsed since the date of application for the permit.").

358. See Luca et al., *supra* note 270, at 12164.

359. Anestis et al., *supra* note 307, at 581 (describing "the effect sizes for the significant contrast" as "large").

360. Peck, *supra* note 322, at 767.

361. Hawton, *supra* note 14, at 6.

could “effectively” reduce the accessibility of firearms to at-risk persons.³⁶² Twenty-six states have adopted a type of secure storage law or child-access prevention (“CAP”) law.³⁶³ The best way to reduce the accessibility of those who are already in the presence of a firearm is to implement secure storage laws. However, these laws are the most challenging to implement because they require self-governance from gun owners.³⁶⁴

Secure storage laws requiring a gun owner to reduce the accessibility of firearms through any affordable option, such as a cable lock, lock box, or otherwise, would significantly reduce the gun suicide rate.³⁶⁵ CAP laws seek specifically to protect children in the home, but most laws only apply retroactively.³⁶⁶ If the federal government were to implement a standardized child protection and secure storage law, it should mirror the laws in Connecticut and Massachusetts that require a gun to be safely stored “any time not in the owner’s immediate control” instead of applying only when a child may access a firearm or already has.³⁶⁷ In addition to restricting access to firearms, gun owners and sellers should be educated about the risks associated with having such a dangerous method of suicide available.³⁶⁸ Although some individuals feel safer with a gun in their home, “[p]eople who own firearms should carefully weigh the

362. Cai et al., *supra* note 55, at 126.

363. *Which States Have Child-Access and/or Secure Storage Laws?*, EVERYTOWN, <https://everytownresearch.org/rankings/law/secure-storage-or-child-access-prevention-required/> [<https://perma.cc/2E5Y-BL8U>] (Jan. 15, 2025).

364. See DOJ, *SAFE STORAGE*, *supra* note 313, at 1.

365. Fingar et al., *supra* note 32.

366. Aara Ramesh, *What Are Firearm Child Access Prevention Laws*, BIOMETRICA (Dec. 2, 2021), <https://www.biometrica.com/what-are-firearm-child-access-prevention-laws/> [<https://perma.cc/H7GQ-YDXY>] (describing these laws as “mostly retroactive measures” that only have an effect after the tragedy).

367. *Gun Laws in Connecticut*, EVERYTOWN, <https://everytownresearch.org/rankings/state/connecticut/> [<https://perma.cc/SB3F-C97N>] (Jan. 15, 2025); *Gun Laws in Massachusetts*, EVERYTOWN, <https://everytownresearch.org/rankings/state/massachusetts/> [<https://perma.cc/AGN9-NKDV>] (Jan. 15, 2025).

368. Hawton, *supra* note 14, at 8.

reasons for keeping a gun in the home against the possibility that it might someday be used in a suicide."³⁶⁹

Most firearms used by young adults to complete suicide are legally owned by someone else and accessible to the at-risk individual.³⁷⁰ Minimum age requirements are the least helpful in preventing these types of suicide; however, secure storage laws would be the most helpful.³⁷¹ Further, most gun owners report using or consider using safe storage practices to reduce child and adolescent access.³⁷²

In terms of suicide prevention, the goal of the above gun laws is to put more time between the actor and the action. Laws that regulate firearm ownership and exposure affect suicide rates through a decrease in suicide attempts, a reduction in lethality in suicide attempt methods, and lower gun ownership overall.³⁷³ Stricter gun laws act as an intervening factor during the initial crisis before a suicide attempt.³⁷⁴ It may be just a few minutes, but in many cases, that is enough—enough to reconsider, enough to be found, enough inconvenience.

CONCLUSION

It has become clear that "our inability to understand suicide costs lives."³⁷⁵ For decades, psychologists have sought to understand why humans take their own lives. In emphasizing the psychological "why" of suicide, rather than the mechanical "how," we ignore what is so evident about the behavior: impulsivity and convenience.³⁷⁶ There is no single reason why someone may choose to end their life, so preventative measures that aim to target the "why" instead of the "how" tend to be

369. *Id.* at 6.

370. Peck, *supra* note 322, at 767.

371. *Id.* at 766.

372. Anestis et al., *US Firearm Storage Practices*, *supra* note 304, at 4–5.

373. Anestis et al., *supra* note 307, at 581.

374. *Id.*

375. GLADWELL, *supra* note 2, at 276 n.*.

376. Anderson, *supra* note 14; *see supra* Part II.

unsuccessful. Intent matters, but so does method because method significantly impacts whether one survives. Efforts to make methods for suicide less deadly or less available during suicidal crises and subsequent attempts can help prevent suicide deaths.

When means safety is effective, it reduces the overall suicide rate by lowering the method-specific suicide rate, while suicide rates by other methods either stay the same or marginally increase. This is not to say that restricting lethal means will diminish feelings of suicide. Suicide will likely always be prevalent, and means safety is presumably inadequate to save the ones who are determined to end their life. Instead, means safety aims to save the lives of those who may not have succeeded on their first attempt. Means safety will save lives because the inconvenience will intervene during the suicidal crisis, and those who genuinely want to die by suicide will have to find another method. As research tells us, though, they are unlikely to find another method because the suicidal crisis will pass, and they will likely never go on to attempt suicide again. Means safety helps us save "[t]he ones . . . who, right now, succeed on their first attempt because of the lethal method they've chosen."³⁷⁷

Restriction of lethal access is one of the few proven approaches available to the government in reducing the overall suicide rate. Because firearms are inherently lethal and readily available, the federal government must implement stricter gun laws that intervene in times of heightened vulnerability. Failing to take action over the last few decades has cost thousands of lives. If the federal government were to implement strategic legislation, like the legislation implemented in states with the lowest gun suicide rates, tens of thousands of lives would be saved annually.³⁷⁸ Although reports show no signs of displacement to other methods of suicide, it is still essential to monitor the substitution and emergence of new methods in the longer term.

377. Anderson, *supra* note 14.

378. Fingar et al., *supra* note 32.

Suicide is likely an inevitable occurrence in society, but reducing access to lethal means will undoubtedly save lives.