

Public Health Impacts of Restoring Gun Access for Users of Illicit Drugs

About *United States v. Daniels*

United States v. Daniels challenged a long-established federal law, § 922(g)(3), that prohibits users of illegal substances from possessing guns. The U.S. Fifth Circuit Court of Appeals reversed a lower court ruling that convicted Daniels of possessing a gun while using cannabis. This court ruled the federal law unconstitutional as it applied to this case because the government failed to demonstrate how Daniels' conviction aligned with a historical tradition of gun regulation. This case raises questions about the association between cannabis and other controlled substance use and violent behavior, and implications for public health and equity. This decision may have bearing on future challenges to firearm regulation, including § 922(g)(3), as courts consider what traits make an individual sufficiently dangerous to be legally prohibited from possessing a firearm.

About this Hopkins Judicial Health Note

The United States has a significantly higher gun death rate than other socioeconomically similar nations, and gun ownership rates are strongly associated with firearm homicide rates.¹ With 326 million privately-owned firearms as of 2019, the U.S. is home to the “largest stock of civilian-held firearms in the world.”² Given the prevalence of privately-owned guns in the U.S. and the high rate of gun deaths, identifying opportunities to mitigate risk factors for gun injury and death is of particular importance. The *Daniels* decision's potential precedent of extending firearm possession rights to regular users of cannabis raises questions about the relationship between gun ownership, regular substance use—including the use of cannabis products—and gun violence.



To identify health and equity impacts of firearm possession in the setting of regular cannabis and other controlled substance use, researchers from the Health in All Policies Initiative at the Johns Hopkins Bloomberg School of Public Health conducted a judicial note, which aims to identify the often-overlooked health and equity impacts of major court decisions. A judicial health note includes an expedited literature review to identify links between the Supreme Court ruling in *United States v. Daniels*, health-related factors, and health outcomes. These notes will inform policymakers, public health agencies, and community members, as well as future judicial action.

Summary of the *United States v. Daniels* Hopkins Judicial Health note

- » **RULING:** The federal law banning users of controlled substances from owning guns was unconstitutionally applied to a regular user of cannabis
- » **BASIS:** The court found that the government failed to demonstrate that § 922(g)(3), as applied to Daniels' case, was consistent with the historical tradition of firearm regulation.

¹ M. Siegel, C. S. Ross, and C. King, 3rd, “The relationship between gun ownership and firearm homicide rates in the United States, 1981-2010,” *Am J Public Health* 103, no. 11 (Nov 2013), <https://doi.org/10.2105/ajph.2013.301409>.

² John Berrigan, Deborah Azrael, and Matthew Miller, “The Number and Type of Private Firearms in the United States,” *The Annals of the American Academy of Political and Social Science* 704, no. 1 (2022), <https://doi.org/10.1177/00027162231164855>, <https://journals.sagepub.com/doi/abs/10.1177/00027162231164855>.





» **WHY WE ANALYZED THIS CASE:** This judicial health note summarizes peer-reviewed evidence and public health data to explain the implications of firearm possession in the setting of cannabis use as well as other controlled substances because public health effects were not included during court arguments. It seeks to identify persons and communities at greatest risk of health impacts—as well as potential equity impacts—resulting from this ruling. It is timely with respect to other upcoming and recently decided firearm-related court decisions, as well as cannabis policy reform.

Summary of judicial health note findings

The relationship between cannabis use and violence is an emerging field of research, and this literature review found limited evidence about the health impacts of granting firearm access to individuals who regularly use cannabis. The literature review also found:

- Strong evidence that substance use and access to firearms are common risk factors in male perpetration of intimate partner violence.³
- Strong evidence of a relationship between substance use and risky firearm behaviors, from increased gun carrying to firearm violence, in adolescents and young adults.⁴
- Mixed evidence demonstrating a relationship between substance use and gun-related behaviors such as possession, carrying, and use, in the general adult population.⁵
- A fair amount of evidence that communities with higher levels of economic distress experience higher levels of firearm violence,⁶ with substance use a significant risk factor.⁷

³ J.C. Campbell et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” *American Journal of Public Health* 93 (2003): 1089-97. <https://doi.org/10.2105/AJPH.93.7.1089>; C.A. Clare et al., “Risk Factors for Male Perpetration of Intimate Partner Violence: A Review,” *Aggression and Violent Behavior* 56 (2021), <https://doi.org/10.1016/j.avb.2020.101532>.

⁴ B. Dong, “Developmental Comorbidity of Substance Use and Handgun Carrying Among U.S. Youth,” *American Journal of Preventative Medicine* 61 no. 2 (2021): 209-16; Simon TR et al., “Gun Carrying Among Youths by Demographic Characteristics, Associated Violence Experiences, and Risk Behaviors—United States, 2017-2019,” *MMWR Morbidity and Mortality Weekly Report* 71 no. 30 (2022): 953-7; N.M.H. Pontes and M. Pontes, “Sex Differences in the Relationship Between Prescription Opioid Misuse and Gun and Other Weapon-Carrying Behaviors,” *Drug and Alcohol Dependence* 221 (2021): 108596; N.G. Choi, N. Marti, D.M. DiNitto, “Changes in Post-Mortem Marijuana-Positive Toxicologies Among Youth Suicide Decedents, 2005-2015,” *Children and Youth Services Review* 100 (2019): 461-7.

⁵ D. Chen and L.T. Wu, “Association Between Substance Use and Gun-Related Behaviors,” *Epidemiologic Reviews* 38 no. 1 (2016): 46-61.

⁶ A.M. Polcari et al., “Social Vulnerability and Firearm Violence: Geospatial Analysis of 5 US Cities,” *Journal of the American College of Surgeons* 237 no.6 (2023): 845-54; J.P. Schleimer et al., “Neighborhood Racial and Economic Segregation and Disparities in Violence During the COVID-19 Pandemic,” *American Journal of Public Health* 112 no. 1 (2022): 144-53.

⁷ O.A. Akinyemi et al., “The Distressed Communities Index: A Measure of Community-Level Economic Deprivation and Rate of Firearm Injuries in Maryland,” *The American Surgeon* 89 no. 12 (2023):6084-90; J. Friedman et al., “Structural Vulnerability to Narcotics-Driven Firearm Violence: An Ethnographic and Epidemiological Study of Philadelphia’s Puerto Rican Inner-City,” *PLoS One* 14 no. 11 (2019): e0225376.



Complete findings are available in the judicial health note.

Who is most likely affected by the ruling?

There is strong evidence that Black men in cities, residents of economically distressed urban communities, victims of intimate partner violence, and areas with illicit narcotics markets are disproportionately impacted by gun violence.⁸ The risks these groups and communities face are often exacerbated by, or occur alongside, controlled substance use by perpetrators and/or victims of gun violence.

Public health implications of the ruling

The impact that *United States v Daniels* has on equity is unclear. Decriminalizing certain types of substance use and contemporaneous gun possession could lead to reduced police activity in overpoliced communities. There is some evidence that “recreational marijuana laws” have led to a decrease in cannabis possession arrests,⁹ but other findings have shown that Black and other minoritized communities continue to be disproportionately arrested, charged, and convicted of cannabis-related offenses.¹⁰ It is therefore unclear whether reducing the potential for cannabis-related charges related to firearm possession will improve equity for Black and other minoritized Americans frequently targeted by law enforcement.

The potential association between cannabis use and increased violence by the user; however, could result in Daniels exacerbating health inequities. Increases in supplies of guns could lead to more violence in communities already disproportionately affected by gun violence. Further research to understand underlying mechanisms and sociodemographic impacts are warranted.

What are evidence-based strategies to reduce gun violence?

There are evidence-based strategies focused on who can own firearms, including Firearm Purchaser Licensing, or permit-to-purchase laws, and Domestic Violence Protection Orders and Extreme Risk Protection Orders. Promoting the adoption and strong implementation of these policies is one action that everyone can take to reduce the potential negative health and equity impacts of this case.

⁸ A.M. Polcari et al., “Social Vulnerability and Firearm Violence: Geospatial Analysis of 5 US Cities,” *Journal of the American College of Surgeons* 237 no.6 (2023): 845-54; J.P. Schleimer et al., “Neighborhood Racial and Economic Segregation and Disparities in Violence During the COVID-19 Pandemic,” *American Journal of Public Health* 112 no. 1 (2022): 144-53; O.S. Henry et al., “Disadvantaged Neighborhoods Continue to Bear the Burden of Gun Violence,” *Journal of Surgical Research* 293 (2024): 396-402; O.A. Akinyemi et al., “The Distressed Communities Index: A Measure of Community-Level Economic Deprivation and Rate of Firearm Injuries in Maryland,” *The American Surgeon* 89 no. 12 (2023):6084-90; J. Friedman et al., “Structural Vulnerability to Narcotics-Driven Firearm Violence: An Ethnographic and Epidemiological Study of Philadelphia’s Puerto Rican Inner-City,” *PLoS One* 14 no. 11 (2019): e0225376.

⁹ J. J. Sabia et al., “Is Recreational Marijuana a Gateway to Harder Drug Use and Crime?” Working Paper. (National Bureau of Economic Research, 2021), <https://doi.org/10.3386/w29038>.

¹⁰ Ezekiel Edwards, et al., *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform* (New York: American Civil Liberties Union, 2020), https://assets.aclu.org/live/uploads/publications/marijuanareport_03232021.pdf.

