

ORDINANCE NO. \_\_\_\_\_ , SERIES 2021

**AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 96 OF THE LOUISVILLE METRO CODE OF ORDINANCES REQUIRING THE REPORTING OF WOUNDS INFLICTED BY FIREARMS.**

**SPONSORED BY: COUNCIL MEMBER ANTHONY PIAGENTINI**

**WHEREAS**, Louisville Metro Government is committed to prioritizing the safety of its citizens so they can live long, healthy, and fulfilling lives;

**WHEREAS**, prevention of Louisville Metro residents' premature deaths due to shootings necessitates a combined public health and public safety approach;

**WHEREAS**, people that misuse firearms within Louisville Metro contribute significantly to both premature death and personal and community trauma;

**WHEREAS**, as of July 18<sup>th</sup>, 2021, shootings are up 29% year over year and homicides related to the misuse of firearms are up 52% year over year;

**WHEREAS**, evidence-based practices with local data can allow for better response to the personal and community trauma;

**WHEREAS**, having accurate data on gun violence will assist in providing public health interventions and improved public safety intelligence to prevent and reduce our violent crime epidemic;

**WHEREAS, each hospital is required to report data on all patients treated within that hospital to the state on a quarterly basis;**

**WHEREAS, when a patient presents to a healthcare provider with an injury from a gunshot, the healthcare provider's focus is to render medical care to treat the patient, not to conduct an investigation;**

**WHEREAS, each patient has the right to determine whether a report or other notification shall be made to law enforcement, except where reporting of abuse and neglect of a child or a vulnerable adult is required, as set forth in KRS 209.030 and 620.030; and**

**WHEREAS, no patient shall be denied an examination or treatment because the patient chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.**

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** A new section of Chapter 96 is hereby added to the Louisville Metro Code of Ordinances to read as follows:

**CHAPTER 96: HEALTH REGULATIONS AND NUISANCES**

**Reporting of Wounds Inflicted by Firearms**

**§ 96.XX                    PURPOSE; FINDINGS.**

PURPOSE. This Section is an exercise of the City's commitment to preventing instances of premature death, improving health outcomes, and general promotion of health and welfare; and its provisions shall be liberally construed to accomplish this purpose.

FINDINGS AND INTENT. Accurate and timely data can assist public health interventions and prevent premature deaths to help residents live long and healthy lives. These interventions can help prevent premature deaths from gun violence and the trauma these incidents bring to residents and communities. This data can be collected with the assistance of local healthcare professionals attending to gunshot wounds.

#### **§ 96.XX MANDATORY REPORTING OF GUN SHOT WOUNDS**

A. Every case of a bullet wound, gunshot wound, powder burn, or any other injury arising from or caused by the discharge of a firearm within Jefferson County shall be reported within ninety (90) days of the patient's discharge using the administrative claims data from the Cabinet for Health and Family Services, Division of Data Analytics~~[immediately, or as soon as possible]~~, to the Communicable Disease office within Louisville Metro Public Health and Wellness ("LMPHW") ~~[by either the physician attending or treating the case, a nurse attending or treating the case, or by the manager, superintendent, or other person in charge if the case is treated in a hospital, clinic, sanitarium, or other facility or institution].~~

B. The cabinet (or the Kentucky Injury Prevention and Research Center) shall provide the following data: the~~[person reporting shall give the name,]~~ sex, race, and age of the injured person; the date the person sought medical treatment or was admitted to the healthcare facility; and the person's address~~], description of the nature, type, and extent of the injury, the name of the health care provider and the name of the person, the date of the incident, and the location of the incident using a form created and maintained by the LMPHW Communicable Disease Office].~~

C. The Louisville Metro Department of Public Health and Wellness ("LMPHW") shall be responsible for collecting and maintaining all data regarding gunshot wounds in

Louisville Metro. All data collected by LMPHW must be shared with the Louisville Metro Police Department (“LMPD”). Data may also be shared with other Louisville Metro departments, including but not limited to ~~[,]~~ the Office for Safe and Healthy Neighborhoods (“OSHN”) through data sharing agreements.

D. LMPD shall not contact any victim learned through the reporting requirement set forth in this Section, who has not already initiated contact with LMPD, without that victim’s consent to be contacted.

**E. If the patient chooses to report to law enforcement, the hospital shall make available the contact information for the Louisville Metro Police Department.**

~~**[LMPHW may contact the victim for further information and may gain consent on behalf of LMPD.]**~~

~~**§ 96.XX ————— ENFORCEMENT**~~

~~**If any organization fails to make the report called for herein within seventy-two hours after the attendance or treatment it shall be deemed a violation with a fine not to exceed \$250.]**~~

**SECTION II:** This Ordinance shall take effect upon its passage and approval.