

Federal court strikes down ‘physician gag law’ on guns

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Melissa Jenco, News Content Editor

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Physicians in Florida can counsel patients about firearm safety without fear of sanctions, a panel of federal judges ruled Thursday.

The Academy applauded the decision from the U.S. Court of Appeals for the 11th Circuit saying protecting physicians’ First Amendment rights will in turn help protect children from unintentional injury and death.

“We are delighted that the Constitution has been defended, particularly when it comes to the First Amendment,” said AAP President Fernando Stein, M.D., FAAP. “Pediatricians routinely counsel families about firearm safety just as they offer guidance on seat belt use, helmets and parental tobacco use to reduce the risk of injury to children where they live and play. These are all topics that families should feel very comfortable talking about with their pediatrician.”

The lawsuit, *Wollschlaeger v. Governor of Florida*, was filed by the AAP Florida Chapter, other medical societies and six individual physicians. It challenged a 2011 Florida law called the Privacy of Firearm Owners Act, restricting physicians, nurses and other medical staff from asking patients and their families about firearms. Physicians who broke the law could be disciplined by the Florida Board of Medicine. Thursday’s decision upholds a 2012 ruling blocking enforcement of the law.

“We are pleased with the 11th Circuit’s common-sense decision, which allows physicians the right to counsel families on firearms ownership and storage,” said Madeline Joseph, M.D., FAAP, president of the AAP Florida Chapter. “This ruling will allow physicians to offer sound medical advice to families without fear of state interference or penalties.”

Research has shown that age-appropriate counseling about gun locks and safe storage increases the likelihood a family will take the steps to store their firearms safely.

Since 2011, 14 other states have considered legislation similar to Florida’s, but none of the proposals have passed.

Resources

- [AAP policy statement "Firearm-Related Injuries Affecting the Pediatric Population"](#)
- [Where We Stand: Gun Safety](#), <http://bit.ly/1s5Fi1H>
- [For consultation or technical assistance with state advocacy issues, contact the AAP Division of State Government Affairs at 800-433-9016, ext. 7799, or \[stgov@aap.org\]\(mailto:stgov@aap.org\).](#)

