

Case #15: Pediatricians Asking Parents about Guns

Florida recently passed the Privacy of Firearm Owners Act, which prohibits physicians and other healthcare providers from asking patients whether they own guns unless they have a good faith belief that the question is “relevant to patient’s medical care or safety, or the safety of others.” Physicians also cannot include information about gun ownership in patients’ medical records. Significantly, the new law also prohibits pediatricians from asking children or parents whether they have guns in their home.¹

In response, physicians’ groups have sued the State of Florida in federal court. The groups argue that the “Physician Gag Law” is unconstitutional because it is a violation of doctors’ right to free speech. They point out that doctors sometimes ask patients whether they have a gun in their home in order to give them information on safe storage and prevent accidents, which are common and often involve children.² They contend that their ability to give advice on such an important safety issue should not be subject to a “government-approved filter.”³

But proponents of the law such as the National Rifle Association see the law as a victory. They argue that physicians should not be allowed to invade patients’ and parents’ privacy by asking them about gun ownership. They believe that physicians who question patients or their parents about guns in the house have a political agenda against gun ownership. In response to concerns of child safety, they point out that ultimately, a child’s safety is the parent’s responsibility—not the pediatrician’s. A pediatrician’s job is to provide medical care.⁴ Furthermore, such advocates also argue that a physician who advises patients or their families to give up or lock away a gun might even potentially undermine the patient’s or family’s safety.

¹ Aaron Deslatte, “Gov. Rick Scott signs ‘docs and Glocks’ bill,” Orlando Sentinel, http://articles.orlandosentinel.com/2011-06-02/news/os-scott-signs-multiple-bills-20110602_1_physician-groups-gun-bill-rick-scott, June 2, 2011.

² The Injury Prevention Program, “Gun Safety: Keeping Children Safe,” American Academy of Pediatrics, <http://www.healthychildren.org/English/safety-prevention/all-around/Pages/Gun-Safety-Keeping-Children-Safe.aspx>, 2004.

³ Stacy Singer, “Doctors sue Florida over gun-speech law,” The Palm Beach Post, <http://blogs.palmbeachpost.com/on-call/2011/06/06/doctors-sue-florida-over-gun-speech-law/>, June 6, 2011.

⁴ “REPORT: Florida Governor Rick Scott Signs Two Pro-Gun Bills into Law,” National Rifle Association Institute for Legislative Action, <http://www.nraila.org/Legislation/Read.aspx?id=6866>, June 2, 2011.