



Chapters Views and News

AAP continues to fight gag legislation on firearm safety counseling

from the **AAP Department of Community, Chapter and State Affairs**

After Florida Gov. Rick Scott signed controversial legislation to restrict physician counseling on firearms, the AAP Florida Chapter/Florida Pediatric Society filed an injunction to stop the law from taking effect.

The law limits the ability of physicians, nurses and other medical staff to ask patients, or in the case of children, a parent about guns in the home under threat of sanction by the state's board of medicine. Florida became the first state to restrict physician counseling on firearms.

The injunction, which cites a violation of a physician's First Amendment right to free speech among its legal arguments, also was supported by the Florida chapters of the American Academy of Family Physicians and the American College of Physicians.

"This law severely limits vital conversations that a physician may have with his or her patient about an important safety issue," said Bruce Manheim, J.D., a partner in the Washington, D.C., office of Ropes & Gray, who serves as lead counsel on the case. "The court should strike down the Florida statute since it constitutes a blatant violation of the rights of both physicians and their patients under the First Amendment."

The Florida Pediatric Society opposed HB 155 from its introduction in January.

"We had heard rumblings about this bill from Florida legislators before the session even started," said Lisa Cosgrove, M.D., FAAP, president of the Florida Pediatric Society. "Even before it was introduced, we were in high gear working within a coalition of medical specialty societies and like-minded safety groups to oppose this legislation."



Dr. Cosgrove

The Florida Pediatric Society worked with the AAP Division of State Government Affairs, Division of Safety and Health Promotion, and Department of Communications to oppose the bill and garnered national attention on the issue. In early April, the Academy, American Academy of Child and Adolescent Psychiatry and the American College of Surgeons sent a joint letter to Florida House and Senate leadership and Gov. Scott expressing opposition

to the legislation. The Academy also has issued three separate statements opposing this type of legislation.

Florida was not the only state to introduce legislation restricting physicians' safety counseling regarding firearms this year. As of June 1, Alabama, Minnesota, North Carolina, Oklahoma and West Virginia all introduced bills that would prohibit physicians from asking about guns in the home. While bills in Alabama, Minnesota, Oklahoma and West Virginia were not enacted prior to legislative adjournment, legislation in North Carolina was pending at press time.



Dr. Droge

Molly Droge, M.D., FAAP, chair of the AAP Committee on State Government Affairs, predicts this will not be the last pediatricians see of this issue in state legislatures. "We are expecting to see legislators pick up right where they left off next session," Dr. Droge said. In preparation for the 2012 legislative sessions, "AAP chapters need to continue their vigilance in monitoring and opposing these types of bills to ensure that children and their parents receive the safety counseling crucial to protecting them from the hazards posed by unsecured firearms."

Dr. Droge cites concerns that this law will encourage other groups to work to prohibit physicians from speaking with parents and patients about other prevention issues such as other risks in the home, tobacco use and sexuality.

"When you limit a physician's right to speak with patients about one issue, you set a slippery slope to limiting their speech on other topics," Dr. Droge said. "But in asking these questions, we can prevent needless deaths and injuries."

RESOURCES

- For more information about legislation threatening anticipatory guidance on firearms, contact the AAP Division of State Government Affairs at 800-433-9016, ext. 7799, stgov@aap.org or www.aap.org/moc/stgovaffairs/index.cfm.
- Connected Kids: Safe, Strong, Secure: www.aap.org/connectedkids
- Bright Futures: <http://brightfutures.aap.org>
- Center to Prevent Youth Violence: www.cpyv.org/programs/ask/parents/what-is-the-ask-campaign/

Anticipatory guidance is a major component of well-child care and injury visits, and covers topics such as child passenger safety, drowning prevention, parental tobacco use and developmental milestones. Counseling parents on firearm ownership and safe storage practices is no different than counseling for other products or injury risks such as seat belt use or parental tobacco use and serves the same

purpose — to mitigate risk of injury to children where they live and play. Moreover, evidence supports the recommendation to counsel on firearms injury prevention. In controlled studies, individuals who received physician counseling were more likely to report the adoption of one or more safe gun-storage practices.