



THE OFFICIAL NEWSMAGAZINE OF THE AMERICAN ACADEMY OF PEDIATRICS

# AAP News

**Breaking News**

July 28, 2014

[www.aapnews.org](http://www.aapnews.org)

## Florida Appellate Court rules against pediatricians' right to counsel on firearms safety

In a 2-1 decision, an 11th Circuit Court of Appeals panel issued a ruling in the appeal of *Wollschlaeger v. Florida*. The majority held that there is no First Amendment protection for physicians providing their best medical advice to their patients and that a state legislature can prohibit doctors from discussing any medical issue with a patient (or patient's parent, in the case of minors) that the legislature finds politically distasteful.

In its July 25 ruling, the court reversed the June 2012 decision of U.S. District Judge Marcia G. Cooke of the Southern District of Florida-Miami, who ruled in favor of the Florida chapters of the American Academy of Pediatrics (AAP), American Academy of Family Physicians (AAFP), and the American College of Physicians (ACP) and individual plaintiff physicians, and issued an injunction against enforcing the 2011 Florida law restricting physician firearms safety counseling from going into effect.

"We strongly disagree with the 11<sup>th</sup> Circuit's decision. It is an egregious violation of the First Amendment rights of pediatricians and threatens our ability to provide our patients and their families with scientific, unbiased information," said Mobeen Rathore, M.D., FAAP, president of the AAP Florida Chapter.

The American Academy of Pediatrics is working with legal counsel at Ropes & Gray, who is representing the plaintiffs, to seek further review of the decision before the full 11th Circuit. The injunction blocking enforcement of the law remains in effect until the 11th Circuit decides whether to rehear the case. If the court agrees to the rehearing, the injunction will remain in effect until a decision is issued.

Because of its proven value in preventing injury and death, the AAP is advising its members in Florida and throughout the United States to continue to uphold the standard of medical practice and ask about the presence of guns in the environments of children and counsel their patients and patients' parents about the importance of storing guns safely.

Research has shown that physician counseling about gun locks and safe storage, tailored to a child's specific age and development, increases the likelihood a family will take the steps to store their firearms safely. 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.

"State legislatures should not stop physicians from practicing good medicine," said AAP President James M. Perrin, M.D., FAAP. "This law has a chilling effect on life-saving conversations that take place in the physician's office."

Since the Florida legislation passed in 2011, at least 10 other states have introduced similar bills, but none have passed.

### RESOURCES

- AAP News Release
- AAP Policy Statement: Preventing Firearm-Related Injuries in the Pediatric Population
- Related State Legislation | AAP Division of State Government Affairs | [stgov@aap.org](mailto:stgov@aap.org)
- 11th Circuit Ruling *Wollschlaeger v. Florida*
- From [healthychildren.org](http://healthychildren.org):
  - Reduce the Risk of Gun Injury
  - Gun Safety: Keeping Children Safe
  - Where We Stand: Gun Safety
  - Handguns in the Home
  - Is Your Home Safe For Your Teen?
  - Healthy Children Radio: Gun Safety (Audio)