



THE FLORIDA SENATE
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Senate Passes Medical Freedom Act

Creates Conscience Exemption from K-12 Vaccine Requirements, Authorizes Sale of Ivermectin

Tallahassee—The Florida Senate today passed Senate Bill (SB) 1756, The Medical Freedom Act, by Senator Clay Yarborough (R-Jacksonville). The legislation creates a conscience exemption from vaccine requirements for children attending K-12 schools and authorizes the sale of ivermectin without a prescription as a behind-the-counter medication. To ensure parents have relevant and timely information needed to make important decisions about their children’s health care, the bill requires parents be provided with specific material before a vaccine can be administered to a child and when applying for an exemption. The bill also makes permanent Florida’s existing ban on discrimination based on a person’s mRNA vaccination status and protects Floridians from forced vaccinations during emergencies.

“Florida has been a national leader in parental rights because we believe parents have a God-given right and responsibility to direct the upbringing of their children. The default decision-maker in a child’s life is the parent – not the government. This legislation not only ensures government is respecting the rights of parents to decide timing for vaccinations, but also makes certain whether they choose to vaccinate, or not, or in part, parents have detailed information available to make these important decisions,” said Senate President Albritton (R-Wauchula). “Ivermectin has been widely utilized in many communities cross our state for years. Making this medication available behind-the-counter without a prescription is long overdue.”

“This legislation ensures parents have the opportunity to make educated medical decisions they believe are best for their school-aged children,” said Senator Yarborough. “We have a responsibility to look out for the best interest of public health, at the same time, the rights of parents are paramount. Parents have a fundamental right to choose what they believe is best for their children. This bill strikes the right balance by ensuring parents have information they need to make these important decisions. We are also providing clarity that, during a public health emergency, the Surgeon General cannot forcibly vaccinate an individual against their will. The bill also maintains the prohibition on discriminating against individuals based on mRNA vaccination status.”

Clear Information for Parents Choosing Vaccination or Exemption

To ensure parents have information regarding both the benefits and potential side effects of childhood vaccines, the bill requires health care practitioners who administer vaccines to a child to provide the child's parent or guardian with certain informational materials adopted by the Board of Medicine and the Board of Osteopathic Medicine before a vaccine may be administered. The information must include communicable disease prevention, as well as risks, benefits, safety, and efficacy. When more than one vaccine is to be administered, the practitioner must discuss options for the timing of the vaccinations. The same information must be provided to parents who download a vaccine exemption form from the Department of Health website.

The bill also provides that it is unlawful for a vaccine manufacturer to offer or pay, and for a health care practitioner to receive from the manufacturer, financial incentives for the administration of a vaccine.

Conscience-based Exemption from K-12 Vaccine Requirements

SB 1756 creates a nonmedical exemption from immunization requirements for a child attending a K-12 school if the administration of a vaccine conflicts with the parent's conscience. Like the existing religious exemption, the conscience-based exemption would also be available to parents with children attending preschool or day care in a childcare facility or family day care home facility subject to immunization requirements. The bill requires the Department of Health to make the exemption form available on its website.

Behind-the-Counter Sale of Ivermectin

The bill authorizes pharmacists to provide ivermectin as a behind-the-counter medication without a prescription to a person 18 years of age or older. Before dispensing, the pharmacist must provide the person with written information regarding indications and contraindications, dosage, and the need to seek follow-up care from a primary care physician. The bill grants immunity from civil or criminal liability or disciplinary action for pharmacists acting in accordance with these provisions. The bill also provides immunity from civil or criminal liability or disciplinary action for licensed practitioners who prescribe or administer ivermectin in good faith, in accordance with the applicable standard of care and rules pertaining to their practice.

Permanent Prohibition on Discrimination Based on mRNA Vaccine Status

The bill makes permanent Florida's existing prohibition on discrimination by governmental entities, business establishments, and educational institutions based on an individual's mRNA vaccination status.

Prohibits Forced Vaccination

The bill clarifies the state has no authority to force an individual to be vaccinated against their will. Specifically, the bill clarifies that during emergencies, the Surgeon General's authority does not include the authority to order vaccination.

For more information, please visit www.FLSenate.gov.

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