

By Senator Farmer

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1                   A bill to be entitled  
2           An act relating to medical privacy concerning  
3           firearms; amending s. 790.338, F.S.; deleting a  
4           provision preventing a health care practitioner or  
5           facility from entering disclosed information  
6           concerning patient firearm ownership into a patient's  
7           medical record under certain circumstances; deleting a  
8           provision preventing a health care practitioner or  
9           facility from making a written inquiry or asking  
10          questions concerning a patient's ownership of firearms  
11          or ammunition under certain circumstances; amending s.  
12          381.026, F.S.; conforming provisions in the Florida  
13          Patient's Bill of Rights and Responsibilities to  
14          changes made by the act; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 790.338, Florida Statutes, is amended to  
19           read:

20           790.338 Medical privacy concerning firearms; discrimination  
21           prohibitions; penalties; ~~exceptions.~~-

22           ~~(1) A health care practitioner licensed under chapter 456~~  
23           ~~or a health care facility licensed under chapter 395 may not~~  
24           ~~intentionally enter any disclosed information concerning firearm~~  
25           ~~ownership into the patient's medical record if the practitioner~~  
26           ~~knows that such information is not relevant to the patient's~~  
27           ~~medical care or safety, or the safety of others.~~

28           ~~(2) A health care practitioner licensed under chapter 456~~  
29           ~~or a health care facility licensed under chapter 395 shall~~

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30 ~~respect a patient's right to privacy and should refrain from~~  
31 ~~making a written inquiry or asking questions concerning the~~  
32 ~~ownership of a firearm or ammunition by the patient or by a~~  
33 ~~family member of the patient, or the presence of a firearm in a~~  
34 ~~private home or other domicile of the patient or a family member~~  
35 ~~of the patient. Notwithstanding this provision, a health care~~  
36 ~~practitioner or health care facility that in good faith believes~~  
37 ~~that this information is relevant to the patient's medical care~~  
38 ~~or safety, or the safety of others, may make such a verbal or~~  
39 ~~written inquiry.~~

40 (1)~~(3)~~ Any emergency medical technician or paramedic acting  
41 under the supervision of an emergency medical services medical  
42 director under chapter 401 may make an inquiry concerning the  
43 possession or presence of a firearm if he or she, in good faith,  
44 believes that information regarding the possession of a firearm  
45 by the patient or the presence of a firearm in the home or  
46 domicile of a patient or a patient's family member is necessary  
47 to treat a patient during the course and scope of a medical  
48 emergency or that the presence or possession of a firearm would  
49 pose an imminent danger or threat to the patient or others.

50 (2)~~(4)~~ A patient may decline to answer or provide any  
51 information regarding ownership of a firearm by the patient or a  
52 family member of the patient, or the presence of a firearm in  
53 the domicile of the patient or a family member of the patient. A  
54 patient's decision not to answer a question relating to the  
55 presence or ownership of a firearm does not alter existing law  
56 regarding a physician's authorization to choose his or her  
57 patients.

58 (3)~~(5)~~ A health care practitioner licensed under chapter

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59 456 or a health care facility licensed under chapter 395 may not  
60 discriminate against a patient based solely upon the patient's  
61 exercise of the constitutional right to own and possess firearms  
62 or ammunition.

63 ~~(6) A health care practitioner licensed under chapter 456~~  
64 ~~or a health care facility licensed under chapter 395 shall~~  
65 ~~respect a patient's legal right to own or possess a firearm and~~  
66 ~~should refrain from unnecessarily harassing a patient about~~  
67 ~~firearm ownership during an examination.~~

68 (4)~~(7)~~ An insurer issuing any type of insurance policy  
69 pursuant to chapter 627 may not deny coverage, increase any  
70 premium, or otherwise discriminate against any insured or  
71 applicant for insurance on the basis of or upon reliance upon  
72 the lawful ownership or possession of a firearm or ammunition or  
73 the lawful use or storage of a firearm or ammunition. Nothing  
74 herein shall prevent an insurer from considering the fair market  
75 value of firearms or ammunition in the setting of premiums for  
76 scheduled personal property coverage.

77 (5)~~(8)~~ Violations of ~~the provisions of~~ subsections (1) and  
78 (2) ~~(1)-(4)~~ constitute grounds for disciplinary action under ss.  
79 456.072(2) and 395.1055.

80 Section 2. Paragraph (b) of subsection (4) of section  
81 381.026, Florida Statutes, is amended to read:

82 381.026 Florida Patient's Bill of Rights and  
83 Responsibilities.—

84 (4) RIGHTS OF PATIENTS.—Each health care facility or  
85 provider shall observe the following standards:

86 (b) *Information*.—

87 1. A patient has the right to know the name, function, and

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88 qualifications of each health care provider who is providing  
89 medical services to the patient. A patient may request such  
90 information from his or her responsible provider or the health  
91 care facility in which he or she is receiving medical services.

92 2. A patient in a health care facility has the right to  
93 know what patient support services are available in the  
94 facility.

95 3. A patient has the right to be given by his or her health  
96 care provider information concerning diagnosis, planned course  
97 of treatment, alternatives, risks, and prognosis, unless it is  
98 medically inadvisable or impossible to give this information to  
99 the patient, in which case the information must be given to the  
100 patient's guardian or a person designated as the patient's  
101 representative. A patient has the right to refuse this  
102 information.

103 4. A patient has the right to refuse any treatment based on  
104 information required by this paragraph, except as otherwise  
105 provided by law. The responsible provider shall document any  
106 such refusal.

107 5. A patient in a health care facility has the right to  
108 know what facility rules and regulations apply to patient  
109 conduct.

110 6. A patient has the right to express grievances to a  
111 health care provider, a health care facility, or the appropriate  
112 state licensing agency regarding alleged violations of patients'  
113 rights. A patient has the right to know the health care  
114 provider's or health care facility's procedures for expressing a  
115 grievance.

116 7. A patient in a health care facility who does not speak

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117 English has the right to be provided an interpreter when  
118 receiving medical services if the facility has a person readily  
119 available who can interpret on behalf of the patient.

120 ~~8. A health care provider or health care facility shall~~  
121 ~~respect a patient's right to privacy and should refrain from~~  
122 ~~making a written inquiry or asking questions concerning the~~  
123 ~~ownership of a firearm or ammunition by the patient or by a~~  
124 ~~family member of the patient, or the presence of a firearm in a~~  
125 ~~private home or other domicile of the patient or a family member~~  
126 ~~of the patient. Notwithstanding this provision, a health care~~  
127 ~~provider or health care facility that in good faith believes~~  
128 ~~that this information is relevant to the patient's medical care~~  
129 ~~or safety, or safety of others, may make such a verbal or~~  
130 ~~written inquiry.~~

131 8.9. A patient may decline to answer or provide any  
132 information regarding ownership of a firearm by the patient or a  
133 family member of the patient, or the presence of a firearm in  
134 the domicile of the patient or a family member of the patient. A  
135 patient's decision not to answer a question relating to the  
136 presence or ownership of a firearm does not alter existing law  
137 regarding a physician's authorization to choose his or her  
138 patients.

139 9.10. A health care provider or health care facility may  
140 not discriminate against a patient based solely upon the  
141 patient's exercise of the constitutional right to own and  
142 possess firearms or ammunition.

143 ~~11. A health care provider or health care facility shall~~  
144 ~~respect a patient's legal right to own or possess a firearm and~~  
145 ~~should refrain from unnecessarily harassing a patient about~~

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146 ~~firearm ownership during an examination.~~

147 Section 3. This act shall take effect upon becoming a law.