

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Smith offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 747 and 748, insert:

5 Section 14. Section 790.338, Florida Statutes, is amended  
6 to read:

7 790.338 Medical privacy concerning firearms;

8 discrimination prohibitions; penalties; exceptions.-

9 ~~(1) A health care practitioner licensed under chapter 456~~  
10 ~~or a health care facility licensed under chapter 395 may not~~  
11 ~~intentionally enter any disclosed information concerning firearm~~  
12 ~~ownership into the patient's medical record if the practitioner~~

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13 | ~~knows that such information is not relevant to the patient's~~  
14 | ~~medical care or safety, or the safety of others.~~

15 | ~~(2) A health care practitioner licensed under chapter 456~~  
16 | ~~or a health care facility licensed under chapter 395 shall~~  
17 | ~~respect a patient's right to privacy and should refrain from~~  
18 | ~~making a written inquiry or asking questions concerning the~~  
19 | ~~ownership of a firearm or ammunition by the patient or by a~~  
20 | ~~family member of the patient, or the presence of a firearm in a~~  
21 | ~~private home or other domicile of the patient or a family member~~  
22 | ~~of the patient. Notwithstanding this provision, a health care~~  
23 | ~~practitioner or health care facility that in good faith believes~~  
24 | ~~that this information is relevant to the patient's medical care~~  
25 | ~~or safety, or the safety of others, may make such a verbal or~~  
26 | ~~written inquiry.~~

27 | ~~(1)-(3)~~ Any emergency medical technician or paramedic  
28 | acting under the supervision of an emergency medical services  
29 | medical director under chapter 401 may make an inquiry  
30 | concerning the possession or presence of a firearm if he or she,  
31 | in good faith, believes that information regarding the  
32 | possession of a firearm by the patient or the presence of a  
33 | firearm in the home or domicile of a patient or a patient's  
34 | family member is necessary to treat a patient during the course  
35 | and scope of a medical emergency or that the presence or  
36 | possession of a firearm would pose an imminent danger or threat  
37 | to the patient or others.

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38        ~~(2)-(4)~~ A patient may decline to answer or provide any  
39 information regarding ownership of a firearm by the patient or a  
40 family member of the patient, or the presence of a firearm in  
41 the domicile of the patient or a family member of the patient. A  
42 patient's decision not to answer a question relating to the  
43 presence or ownership of a firearm does not alter existing law  
44 regarding a physician's authorization to choose his or her  
45 patients.

46        ~~(3)-(5)~~ A health care practitioner licensed under chapter  
47 456 or a health care facility licensed under chapter 395 may not  
48 discriminate against a patient based solely upon the patient's  
49 exercise of the constitutional right to own and possess firearms  
50 or ammunition.

51        ~~(6)~~ ~~A health care practitioner licensed under chapter 456~~  
52 ~~or a health care facility licensed under chapter 395 shall~~  
53 ~~respect a patient's legal right to own or possess a firearm and~~  
54 ~~should refrain from unnecessarily harassing a patient about~~  
55 ~~firearm ownership during an examination.~~

56        ~~(4)-(7)~~ An insurer issuing any type of insurance policy  
57 pursuant to chapter 627 may not deny coverage, increase any  
58 premium, or otherwise discriminate against any insured or  
59 applicant for insurance on the basis of or upon reliance upon  
60 the lawful ownership or possession of a firearm or ammunition or  
61 the lawful use or storage of a firearm or ammunition. Nothing  
62 herein shall prevent an insurer from considering the fair market

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63 value of firearms or ammunition in the setting of premiums for  
64 scheduled personal property coverage.

65 ~~(5)-(8)~~ Violations of ~~the provisions of~~ subsections (1) and  
66 (2) ~~(1)-(4)~~ constitute grounds for disciplinary action under ss.  
67 456.072(2) and 395.1055.

68 Section 15. Paragraph (b) of subsection (4) of section  
69 381.026, Florida Statutes, is amended to read:

70 381.026 Florida Patient's Bill of Rights and  
71 Responsibilities.-

72 (4) RIGHTS OF PATIENTS.-Each health care facility or  
73 provider shall observe the following standards:

74 (b) Information.-

75 1. A patient has the right to know the name, function, and  
76 qualifications of each health care provider who is providing  
77 medical services to the patient. A patient may request such  
78 information from his or her responsible provider or the health  
79 care facility in which he or she is receiving medical services.

80 2. A patient in a health care facility has the right to  
81 know what patient support services are available in the  
82 facility.

83 3. A patient has the right to be given by his or her  
84 health care provider information concerning diagnosis, planned  
85 course of treatment, alternatives, risks, and prognosis, unless  
86 it is medically inadvisable or impossible to give this  
87 information to the patient, in which case the information must

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88 be given to the patient's guardian or a person designated as the  
89 patient's representative. A patient has the right to refuse this  
90 information.

91 4. A patient has the right to refuse any treatment based  
92 on information required by this paragraph, except as otherwise  
93 provided by law. The responsible provider shall document any  
94 such refusal.

95 5. A patient in a health care facility has the right to  
96 know what facility rules and regulations apply to patient  
97 conduct.

98 6. A patient has the right to express grievances to a  
99 health care provider, a health care facility, or the appropriate  
100 state licensing agency regarding alleged violations of patients'  
101 rights. A patient has the right to know the health care  
102 provider's or health care facility's procedures for expressing a  
103 grievance.

104 7. A patient in a health care facility who does not speak  
105 English has the right to be provided an interpreter when  
106 receiving medical services if the facility has a person readily  
107 available who can interpret on behalf of the patient.

108 ~~8. A health care provider or health care facility shall~~  
109 ~~respect a patient's right to privacy and should refrain from~~  
110 ~~making a written inquiry or asking questions concerning the~~  
111 ~~ownership of a firearm or ammunition by the patient or by a~~  
112 ~~family member of the patient, or the presence of a firearm in a~~

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113 ~~private home or other domicile of the patient or a family member~~  
 114 ~~of the patient. Notwithstanding this provision, a health care~~  
 115 ~~provider or health care facility that in good faith believes~~  
 116 ~~that this information is relevant to the patient's medical care~~  
 117 ~~or safety, or safety of others, may make such a verbal or~~  
 118 ~~written inquiry.~~

119 8.9. A patient may decline to answer or provide any  
 120 information regarding ownership of a firearm by the patient or a  
 121 family member of the patient, or the presence of a firearm in  
 122 the domicile of the patient or a family member of the patient. A  
 123 patient's decision not to answer a question relating to the  
 124 presence or ownership of a firearm does not alter existing law  
 125 regarding a physician's authorization to choose his or her  
 126 patients.

127 9.10. A health care provider or health care facility may  
 128 not discriminate against a patient based solely upon the  
 129 patient's exercise of the constitutional right to own and  
 130 possess firearms or ammunition.

131 ~~11. A health care provider or health care facility shall~~  
 132 ~~respect a patient's legal right to own or possess a firearm and~~  
 133 ~~should refrain from unnecessarily harassing a patient about~~  
 134 ~~firearm ownership during an examination.~~

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 136  
 137 **T I T L E A M E N D M E N T**

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138 Remove line 83 and insert:  
139 criminal penalties; amending s. 790.338, F.S.; deleting  
140 provisions relating to patient firearm ownership  
141 recordkeeping, inquiry, and harassment by health care  
142 practitioners and facilities; amending s. 381.026, F.S.;  
143 conforming provisions in the Florida Patient's Bill of  
144 Rights and Responsibilities to changes made by the act;  
145 providing legislative intent;

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