

By Senator Yarborough

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A bill to be entitled

An act relating to medical freedom; providing a short title; amending s. 381.00315, F.S.; providing construction; amending s. 456.0575, F.S.; requiring certain health care practitioners and paramedics to, before administering a vaccine to a minor child, inform the parent or legal guardian of certain information using materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine; requiring such practitioners and paramedics to obtain the signature of a minor child's parent or guardian acknowledging receipt of such information; requiring health care practitioners to discuss certain information with a minor child's parent or guardian when more than one vaccine is to be administered; authorizing a health care practitioner, at the request of the parent or guardian, to administer the vaccines to the minor child over multiple encounters; providing that specified amendments made by the act to s. 456.0575, F.S., take effect within a specified timeframe after the Board of Medicine and the Board of Osteopathic Medicine adopt certain materials by joint rule; requiring the boards to immediately notify the Division of Law Revision of their adoption of such materials; creating s. 465.1897, F.S.; authorizing pharmacists to provide ivermectin to adults without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-

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counter sale; requiring pharmacists to provide specified information before providing the ivermectin; providing pharmacists acting in good faith with immunity from civil and criminal liability and disciplinary action for providing ivermectin to adults; authorizing the Board of Pharmacy to adopt rules; amending s. 1003.22, F.S.; revising exemptions from school-entry immunization requirements; requiring the Department of Health to make the immunization exemption form for religious or conscience-based exemptions publicly available on its website; specifying procedures and requirements for receiving such exemptions; revising requirements and procedures for declarations of a communicable disease emergency; providing an effective date.

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

Section 1. This act may be cited as the "Medical Freedom Act."

Section 2. Paragraph (d) of subsection (2) of section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; public health emergencies; isolation and quarantines.—The State Health Officer is responsible for declaring public health emergencies, issuing public health advisories, and ordering isolation or quarantines.

(2)

(d) The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect

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the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer's priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an

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unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or before the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, treated, isolated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, or treated for reasons of health, religion, or conscience may be subjected to isolation or quarantine. For the purposes of this subparagraph, the State Health Officer's authority to treat or order treatment does not include the authority to order a vaccination.

a. Examination, testing, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to isolation or quarantine. If there is no practical method to isolate or quarantine the individual, the State Health Officer may use any means necessary to treat the individual.

c. Any order of the State Health Officer given to effectuate this paragraph is immediately enforceable by a law enforcement officer under s. 381.0012.

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117 Section 3. Section 456.0575, Florida Statutes, is amended
118 to read:

119 456.0575 Duty to notify patients.—

120 (1) ADVERSE INCIDENTS.—~~A Every licensed~~ health care
121 practitioner shall inform each patient, or an individual
122 identified pursuant to s. 765.401(1), in person about adverse
123 incidents that result in serious harm to the patient.
124 Notification of outcomes of care that result in harm to the
125 patient under this section does not constitute an acknowledgment
126 of admission of liability, nor can such notifications be
127 introduced as evidence.

128 (2) VACCINATIONS OF MINORS.—

129 (a) Each health care practitioner authorized by law to
130 administer vaccines, and each paramedic acting pursuant to s.
131 401.272, shall, before administering a vaccine to a minor child,
132 provide the parent or guardian with information on the risks,
133 benefits, safety, and efficacy of each vaccine being
134 administered, using materials approved and adopted by joint rule
135 of the Board of Medicine and the Board of Osteopathic Medicine.

136 (b) Before administering a vaccine or vaccines to a minor
137 child, the health care practitioner or paramedic must obtain the
138 signature of the parent or guardian acknowledging receipt of the
139 information required under paragraph (a).

140 (c) When more than one vaccine is to be administered, the
141 health care practitioner shall discuss the timing of multiple
142 vaccinations with the child's parent or guardian and the
143 parent's or guardian's options for such timing before
144 administering the initial vaccination. At the request of the
145 parent or guardian, such a health care practitioner may

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administer vaccines to the minor child over multiple encounters.

(3) GOOD FAITH ESTIMATE OF CHARGES.—Upon request by a patient, before providing nonemergency medical services in a facility licensed under chapter 395, a health care practitioner shall provide, in writing or by electronic means, a good faith estimate of reasonably anticipated charges to treat the patient's condition at the facility. The health care practitioner shall provide the estimate to the patient within 7 business days after receiving the request and is not required to adjust the estimate for any potential insurance coverage. The health care practitioner shall inform the patient that the patient may contact his or her health insurer or health maintenance organization for additional information concerning cost-sharing responsibilities. The health care practitioner shall provide information to uninsured patients and insured patients for whom the practitioner is not a network provider or preferred provider which discloses the practitioner's financial assistance policy, including the application process, payment plans, discounts, or other available assistance, and the practitioner's charity care policy and collection procedures. Such estimate does not preclude the actual charges from exceeding the estimate. Failure to provide the estimate in accordance with this subsection, without good cause, shall result in disciplinary action against the health care practitioner and a daily fine of \$500 until the estimate is provided to the patient. The total fine may not exceed \$5,000.

Section 4. The amendments made by this act to s. 456.0575(2)(a) and (b), Florida Statutes, relating to information that must be provided to parents or guardians before

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the administration of a vaccination to a minor are effective 30 days after the Board of Medicine and the Board of Osteopathic Medicine adopt by joint rule the informational materials as required under that subsection. The Board of Medicine and the Board of Osteopathic Medicine shall notify the Division of Law Revision immediately upon their adoption of such materials.

Section 5. Section 465.1897, Florida Statutes, is created to read:

465.1897 Sale of ivermectin without a prescription.—

(1) A pharmacist may provide ivermectin to a person 18 years of age or older without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-counter sale.

(2) Before providing ivermectin under this section, the pharmacist shall provide the person with written information regarding the indications and contraindications for ivermectin, the appropriate dosage, and the need to seek follow-up care from the person's primary care physician.

(3) A pharmacist acting in good faith is immune from civil or criminal liability or disciplinary action for providing ivermectin to an adult in accordance with this section.

(4) The board may adopt rules to implement this section.

Section 6. Subsections (5) and (9) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(5) A child is exempt from immunization requirements in subsection (3) ~~The provisions of this section shall not apply~~

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if:

(a) The parent of the child presents to the school, on a form approved and provided by the Department of Health and made available on its website, an attestation ~~objects in writing~~ that the administration of immunizing agents conflicts with the parent's ~~his or her~~ religious tenets or practices or conscience;

(b) A physician licensed under ~~the provisions of~~ chapter 458 or chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from one or more of the required immunizations ~~immunization~~ for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

(c) A physician licensed under ~~the provisions of~~ chapter 458, chapter 459, or chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing the other required ~~necessary~~ immunizations;

(d) The Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

(e) An authorized school official issues a temporary exemption, for up to 30 school days, to allow ~~permit~~ a student who transfers into a new county to attend class until his or her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. The public school health nurse or

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233 authorized private school official is responsible for follow-up
234 ~~followup~~ of each such student until proper documentation or
235 immunizations are obtained. An exemption for 30 days may be
236 issued for a student who enters a juvenile justice program to
237 allow ~~permit~~ the student to attend class until his or her
238 records can be obtained or until the immunizations can be
239 administered ~~obtained~~. An authorized juvenile justice official
240 is responsible for follow-up ~~followup~~ of each student who enters
241 a juvenile justice program until proper documentation is
242 obtained or immunizations are administered ~~obtained~~.

243 (9) The presence of any of the communicable diseases for
244 which immunization is required under subsection (3) ~~by the~~
245 ~~Department of Health~~ in a Florida public or private school
246 authorizes ~~shall permit~~ the county health department director or
247 administrator or the State Health Officer to declare a
248 communicable disease emergency. The declaration of such
249 emergency must ~~shall~~ mandate that all students attending in
250 ~~attendance in~~ the school who have not been immunized against the
251 diseases specified in subsection (3) or related Department of
252 Health rules ~~are not in compliance with the provisions of this~~
253 ~~section~~ be identified by the district school board or by the
254 governing authority of the private school, + and the school
255 health and immunization records of such children must ~~shall~~ be
256 made available to the county health department director or
257 administrator. ~~Those Children~~ who are identified as not having
258 been ~~being~~ immunized against the disease for which the emergency
259 has been declared must ~~shall~~ be temporarily excluded from school
260 attendance by the district school board, or the governing
261 authority of the private school, until ~~such time as is specified~~

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262 ~~by~~ the county health department director or administrator
263 declares that the communicable disease emergency has ended.

264 Section 7. This act shall take effect July 1, 2026.