

# FLACP

The Florida Chapter of the American College of Physicians

Legislative Update  
July 19, 2012

## Florida Chapter Wins Permanent Injunction Against Physician Gag Law

After over a year of litigation, the Florida Chapter and its allies won a permanent injunction prohibiting the State of Florida from enforcing the 2011 law that forbade physicians from discussing a patient's gun ownership. In finding the law unconstitutional, the U.S. District Court relied heavily on the Chapter's argument that any such law was an unconstitutional abridgement of a physician's First Amendment right to free speech.

Stuart B. Himmelstein, MD, FACP, American College of Physicians Immediate Past Governor for Florida, stated: "Reversing this law is essential in order to preserve the sanctity of the doctor -patient relationship by keeping the government out of the exam room. Reversing this law will preserve free speech between both doctors and patients as protected by the Constitution and which is necessary to obtain the highest of quality care that every citizen deserves."

At press time, it is not known if the State will appeal the ruling to the Court of Appeals, but the Chapter and its allies are prepared to fight such impositions on physician free speech all the way to the U.S. Supreme Court.

Thank you for your commitment to your profession and your patients.

Michael A. Zimmer, MD, FACP  
President and ACP Governor Florida

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