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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1208 Session of  
2014

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INTRODUCED BY FARNESE, STACK, SCHWANK, TEPLITZ, HUGHES, KITCHEN,  
SMITH, LEACH AND WILLIAMS, JANUARY 16, 2014

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REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 16, 2014

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AN ACT

1 Prohibiting certain interference with access to health care  
2 facilities; and prescribing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Interference  
7 with Access to Health Care Facilities Act.

8 Section 2. Legislative findings.

9 The General Assembly finds that:

10 (1) Access to health care facilities for the purpose of  
11 obtaining medical counseling and treatment is important for  
12 residents of and visitors to this Commonwealth and that the  
13 Commonwealth has a substantial interest in protecting such  
14 access.

15 (2) The people's right to protest or counsel against  
16 certain medical procedures is protected by the First  
17 Amendment and the exercise of this right must be balanced

1 against the people's right to obtain medical counseling and  
2 treatment free from violence, intimidation or obstruction.

3 (3) The law enforcement resources of the Commonwealth  
4 and its municipalities have been consistently called upon to  
5 mediate the disputes between persons seeking medical  
6 counseling and treatment and persons who would counsel  
7 against their actions so as to:

8 (i) prevent violent confrontations which would lead  
9 to criminal charges; and

10 (ii) enforce existing State law and local ordinances  
11 which regulate use of public sidewalks and other conduct.

12 (4) There is a need to reduce the risk of violence and  
13 ensure unobstructed access to health care facilities, which  
14 need may be met by setting clear guidelines for activity in  
15 the immediate vicinity of the entrances to health care  
16 facilities.

17 (5) This act should be construed and enforced in a  
18 content-neutral manner, without regard to the message or  
19 viewpoint of a speaker.

20 (6) The limited buffer zones outside of health care  
21 facilities established by this act will allow patients to  
22 have safe and unimpeded access to medical services, while  
23 ensuring that the constitutional rights of protesters to  
24 communicate their message to their intended audience is not  
25 impaired.

26 Section 3. Definition.

27 For purposes of this act, "health care facility" means a  
28 hospital, abortion facility, ambulatory surgical facility,  
29 medical office, physical or psychological therapy facility or  
30 clinic, including their buildings, appurtenances and grounds,

1 parking facilities and driveways.

2 Section 4. Buffer zone.

3 (a) General Rule.--No person may knowingly congregate,  
4 patrol, picket or demonstrate in a zone extending 15 feet from  
5 any portion of an entrance to or exit from a health care  
6 facility or any portion of an entrance to or exit from a  
7 driveway or parking facility appurtenant to a health care  
8 facility.

9 (b) Applicability.--

10 (1) Subsection (a) shall not apply to:

11 (i) police and public safety officers, fire and  
12 rescue personnel or other emergency workers in the course  
13 of their official business; or

14 (ii) authorized security personnel, employees or  
15 agents of the health care facility whose activities  
16 within the 15-foot buffer zone are limited to assisting  
17 patients and other persons to enter or exit the health  
18 care facility and preventing unauthorized entry.

19 (2) The provisions of this section shall apply equally  
20 to all persons regardless of the content of their speech.

21 Section 5. Penalties.

22 (a) General rule.--Any person who pleads guilty or nolo  
23 contendere, or is convicted of violating this section shall be  
24 guilty of a summary offense and shall be sentenced:

25 (1) For a first offense, to a fine of at least \$100 or a  
26 term of imprisonment for no more than ten days and to pay all  
27 court costs.

28 (2) For a second offense, within five years, to a fine  
29 of at least \$150 or a term of no more than 20 days and to pay  
30 all court costs.

1           (3) For a third or subsequent offense, within five  
2 years, to a fine of \$300 or to a term of imprisonment of no  
3 less than 30 days and no more than 90 days and to pay all  
4 court costs.

5           (b) Fines and costs.--Any fine or costs imposed by the court  
6 shall be entered as a judgment against the person sentenced.

7           (c) Payment of fine.--In the event that the court exercises  
8 its discretion to fine rather than incarcerate a person found to  
9 have violated this act, the court shall order that the fine be  
10 paid within ten days, and that failure to pay such a fine within  
11 that period shall result in incarceration for a term of at least  
12 ten days.

13 Section 6. Severability.

14           The provisions of this act are severable. If any portion or  
15 application of this act is held invalid, unenforceable or  
16 unconstitutional by any court of competent jurisdiction, it  
17 shall not affect the validity of the remaining portions or  
18 applications of this act which shall be given full force and  
19 effect.

20 Section 7. Preemption.

21           This act shall not preempt or limit the application of any  
22 county or municipal ordinance or resolution or part thereof  
23 providing greater protection than this act.

24 Section 8. Effective date.

25           This act shall take effect in 60 days.