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## FISCAL IMPACT REPORT

SPONSOR: Beam DATE TYPED: 02/19/01 HB 693  
 SHORT TITLE: Unlawful Blocking of Health Care Access SB \_\_\_\_\_  
 ANALYST: Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	See Narrative				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Health Policy Commission (HPC)  
 Public Defender Department (PDD)  
 Attorney General's Office (AG)

### SUMMARY

#### Synopsis of Bill

HB 693 makes it unlawful to block access to health care facilities which includes both medical care or counseling.

#### Significant Issues

HB 693 makes it a fourth degree felony to unlawfully block access to a health care facility. Unlawful blocking consists of willfully blocking or obstructing the entrance or any door of a health care facility; approaching nearer than one hundred feet to the entrance or any door of a health care facility while involved in expressive or symbolic conduct, including advocating, protesting, picketing, displaying of signs or distributing literature; or performing an act that interferes with or impedes the ability of people entering or leaving a health care facility.

The AG says the following:

The constitutional legal analysis of any court challenge will likely balance the individual's right to privacy, and to enter a health clinic of one's choosing, against another's right to

protest and express oneself on the controversial issue of abortion. Cases can also become

fact-specific on how the protest is actually conducted. Generally, this bill's type of reasonable restriction has not been held to be unconstitutional.

## **FISCAL IMPLICATIONS**

HB 693 might cause a rise in law enforcement cases.

The AG notes that HB 693 might involve litigation which could prove expensive.

## **OTHER SUBSTANTIVE ISSUES**

The HPC has provided the following:

- C Effective May 26, 1994, the Freedom of Access to Clinic Entrances Act (FACE) is a United States law protecting reproductive health service facilities and their staff and patients from violent threats, assault, vandalism, and blockade. Despite its name, FACE also provides the same protection to churches and other places of worship and to their congregants as well. FACE does not infringe the free speech rights of anti-abortion protesters. The law covers only unprotected conduct -- assault, trespass, and vandalism -- that is already the subject of criminal penalties in most states. Clinic protesters remain free to pray, sing hymns, carry signs, and distribute pro-life literature outside clinics. Note also that FACE does not discriminate on the basis of viewpoint. The law provides the same protection to pro-life counseling centers as to abortion clinics. Likewise, it applies to "anyone" who commits the prohibited acts, regardless of the actor's motives; a disgruntled ex-employee who firebombs a clinic or assaults clinic staff in revenge is chargeable under FACE.
- C State clinic protection laws in 14 states and the District of Columbia, as well as general statutes prohibiting violence, provide additional protection. Although the instance of some types of clinic violence declined after the 1994 enactment of FACE, some have recently increased and violence at clinics is far from being eradicated. Vigorous enforcement of clinic protection laws against those who use violence and threats is essential to protecting the lives and well being of American women and health care providers.
- C Planned Parenthood, Inc., urges the community to help stop the violence by calling the local police and U.S. Attorney to make full use of the Freedom of Access to Clinic Entrances (FACE) Act. They further request that community members ask state representatives to pass a state clinic protection law (buffer zones, increased penalties, quiet zones).
- C The American Civil Liberties Union (ACLU) remains convinced that the Freedom of Access to Clinic Entrances Act, which they have defended in court, offers an important defense against the abhorrent trend of violence against clinics. They believe the Act demands rigorous enforcement.

DW/ar/njw