

Buffer Zones Surrounding Medical Facilities

General Policy Committee Meeting

February 13th, 2020

Freedom of Access to Clinic Entrances Act of 1994 (FACE)

- Prohibits using force, threat of force, or physical obstruction to actually or attempt to injure, intimidate or interfere with a person obtaining or providing reproductive health services.
- Prohibits intentional damage or destruction of a facility that provides reproductive health services.
- FACE Act extends these protections to places of religious worship and those seeking to exercise their First Amendment right of religious freedom.

Illustrative List of Laws that Could Presently Be Used to Protect Order at Health Care Facilities

- Criminal Law
 - Assault/Battery
 - Trespass
 - Disorderly Conduct
 - Loitering
- Traffic Laws when obstructions are present
- Noise Ordinances

What is a Buffer Zone and Why Have One?

- Set distance or area within which people cannot intrude or certain actions are prohibited. Jurisdictions that have created buffer zones have done so to separate protestors from individuals seeking medical care.
- Types:
 - A fixed buffer zone is set around a permanent location, such as a health care facility.
 - A floating buffer zone is one which follows an individual person and requires others to remain a certain distance (6-8 feet) from that person.
 - Buffer zones can also combine these two types

Examples of Jurisdictions with Buffer Zones

- Melbourne, Florida
- Pensacola, Florida
- West Palm Beach, Florida
- New York City, New York
- Chicago, Illinois
- The State of Colorado

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Melbourne	36 foot fixed buffer zone surrounding Women's Health Care Inc. established judicially in 1992.

What Else Has the U.S. Supreme Court Said?

Hill v. Colorado (2000)

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Dilemma: These two decisions are in conflict and that conflict has not been resolved.

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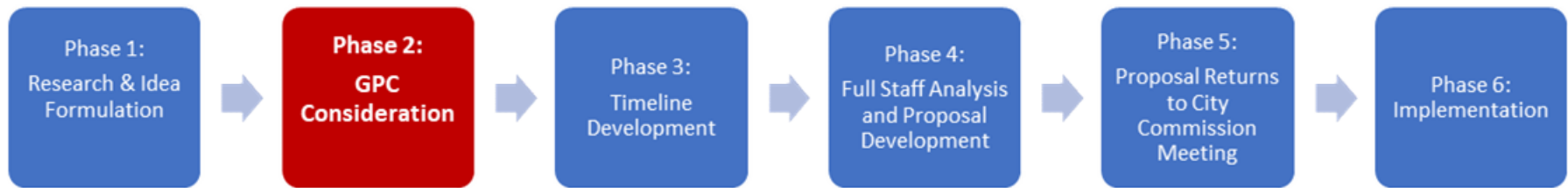
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- The constitutionality of this ordinance was upheld in *Price v. City of Chicago* (2019) by the United States Court of Appeals for the Seventh Circuit.
- The case has been appealed to the United States Supreme Court and is pending a decision on certiorari by the Court.

Considerations for Crafting a Buffer Zone

- **The appropriate path forward: Ordinance v. Injunction**
- **The City would need to show that public health is threatened without a Buffer Zone.**
- **Must be specifically concentrated around areas which, if obstructed, could impede the functioning of and access to any health care facility.**
- **Must be narrowly crafted to achieve the stated goals.**

Recommended Next Steps



We are here!

If the General Policy Committee wishes to proceed, the next step is to move this project to Phase 3 of the Policy Process.

Questions?