

Buffer Zones Surrounding Medical Facilities

General Policy Committee Meeting

February 13th, 2020

What is a Buffer Zone and Why Have One?

- Set distance or area within which people cannot intrude or certain actions are prohibited.
- Two Major Types: Fixed and Floating
 - 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
- Jurisdictions that have created buffer zones have done so to separate protestors from individuals seeking medical care.

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**

City	Buffer Zone Policy
Melbourne, Florida	36 foot fixed buffer zone surrounding Women’s Health Care Inc. established judicially in
Pensacola, Florida	Only law enforcement officials may enter or create an obstruction on all public clinic that offers abortion services. This ordinance does not restrict gatherings or sidewalks.
West Palm Beach, Florida	Bans all shouting and amplified sound within 100 feet of a health care center’s
New York City, New York	Sets a 15 foot fixed buffer zone in front of reproductive health clinics, and in 2005 a injunction which required protestors to abide by the same 15 foot buffer zone in all of New York.

What Does the Supreme Court Say?

Buffer Zones...

- **Must be content neutral, narrowly tailored, and achieve a compelling state interest.**
- **Can be justified by the compelling interest of protecting citizens entering or exiting a medical facility from unwanted communication.**
- **Cannot completely prevent demonstrators from getting their points heard and must be specific to protecting the wellbeing of patients.**
- **Cannot burden free speech more than is necessary to achieve the state's interests of protecting access to health care and preventing obstruction.**

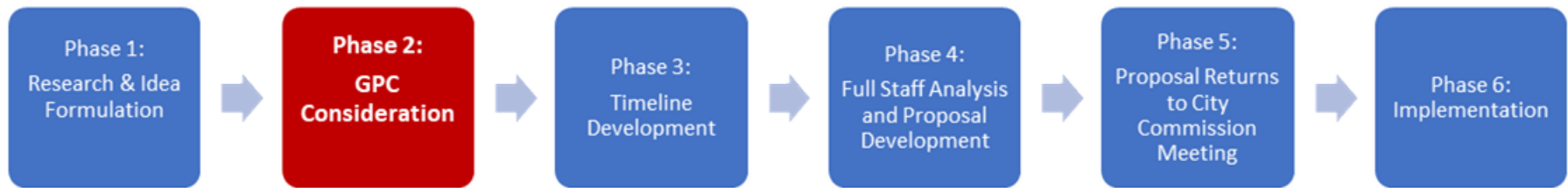
Price v. City of Chicago (2019)

- The City of Chicago created a combination fixed/floating buffer zone.
- No one within a 50 foot radius around a reproductive health care clinic entrance may approach within 8 feet of another individual without their consent.
- The constitutionality of this law 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 City and any health care facilities interested in establishing a zone would need to show that public health is threatened without one.**
- **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?