

SENATE BILL NO. 297

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS DONLEY, Ellis

Introduced: 2/11/94
Referred: HES, STA, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing civil and criminal liability for obstruction near a health care
2 facility."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. FINDINGS; SHORT TITLE. (a) The legislature finds that

5 (1) access to health care facilities for the purpose of obtaining medical
6 counseling and treatment is imperative for the citizens of this state;

7 (2) the exercise of a person's right to protest or counsel against certain medical
8 procedures must be balanced against another person's right to obtain medical counseling and
9 treatment in an unobstructed manner; and

10 (3) preventing the wilful obstruction of a person's access to medical counseling
11 and treatment at a health care facility is a matter of statewide concern that should be addressed
12 by appropriate legislation.

13 (b) This Act may be known as the "Alaska Freedom of Access to Clinics Act."

14 * Sec. 2. AS 09.65 is amended by adding a new section to read:

1 Sec. 09.65.112. CIVIL LIABILITY FOR OBSTRUCTION NEAR A HEALTH
2 CARE FACILITY. (a) A person who commits an act prohibited under
3 AS 11.61.115 or incites another to commit an act prohibited under AS 11.61.115 is,
4 in addition to any criminal penalty provided by law, subject to injunctive relief and
5 liable for damages in a civil action brought by the person whose passage was
6 obstructed, detained, hindered, impeded, or blocked or who was approached without
7 consent, as described in AS 11.61.115.

8 (b) Conviction of an offense under AS 11.61.115 is not a condition precedent
9 to maintaining a civil action under this section.

10 * Sec. 3. AS 11.61 is amended by adding a new section to read:

11 Sec. 11.61.115. OBSTRUCTION NEAR A HEALTH CARE FACILITY. (a)
12 A person commits the crime of obstruction near a health care facility if the person
13 knowingly

14 (1) obstructs, detains, hinders, impedes, or blocks another person's
15 entry to or exit from a health care facility; or

16 (2) approaches within eight feet of another person, without that person's
17 consent, for the purpose of passing a leaflet or handbill to, displaying a sign to, or
18 engaging in oral protest, education, or counseling with the person being approached
19 while the person being approached is on public property within 100 feet of a door to
20 a health care facility.

21 (b) This section may not be interpreted to prohibit a lawful activity permitted
22 by state or federal law in connection with a labor dispute or in connection with
23 activities of a contractor who temporarily impedes access to or from a health care
24 facility through construction or repair of a street, sidewalk, utility, or a similar capital
25 improvement project.

26 (c) In this section,

27 (1) "health care facility" means a hospital, as defined in AS 18.20.130,
28 an ambulatory surgical facility, the office of a physician, whether in private or group
29 practice, and any other place where the administration of medical treatment is licensed,
30 certified, or otherwise authorized or permitted by law;

31 (2) "person" does not include an officer, employee, or agent of the

1 health care facility or a law enforcement officer, acting in the course of the person's
2 employment.

3 (d) Obstruction near a health care facility is a class B misdemeanor.