STRICKEN AS OF END OF YEAR 2011
AMENDED COPY AS OF 12/5/2011

Intro. Res. No. 1968-2011 Laid on Table 11/22/2011
Introduced by Legislator Viloria-Fisher

RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO PROTECT PUBLIC SAFETY AT REPRODUCTIVE HEALTH CARE FACILITIES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2011, a proposed local law entitled, "**A LOCAL LAW TO PROTECT PUBLIC SAFETY AT REPRODUCTIVE HEALTH CARE FACILITIES**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROTECT PUBLIC SAFETY AT REPRODUCTIVE HEALTH CARE FACILITIES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that access to reproductive health services is a personal right protected under State and Federal law.

This Legislature also finds and determines that the right to express one's views and engage in peaceful demonstration is also a right protected under Federal and State law.

This Legislature further finds and determines that some individuals or groups exceed the bounds of their First Amendment right of expression by engaging in physical activities that prevent access to reproductive health care facilities or harass and intimidate individuals trying to access those facilities.

This Legislature finds that individuals seeking to access reproductive health care facilities and the operators of those facilities should be able to enter or exit a facility without interference.

This Legislature determines that Suffolk County wants to ensure that all parties' rights – for those seeking access to reproductive health care facilities and those engaging in protected speech near such facilities – are protected.

Therefore, the purpose of this law is to prohibit the obstruction of access to, or interference with the operation of, reproductive health care facilities.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"PERSON" shall mean any natural person, individual, not-for-profit organization, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

"PREMISES OF A REPRODUCTIVE HEALTH CARE FACILITY" shall mean the driveway, entrance, entryway, or exit of a reproductive healthcare facility, the building in which such facility is located and any parking lot in which the facility has an ownership or leasehold interest.

"REPRODUCTIVE HEALTH CARE FACILITY" shall mean any building, structure or place, or any portion thereof, at which licensed, certified, or otherwise legally authorized persons provide health care services or health care counseling relating to the human reproductive system.

Section 3. Prohibitions.

A. No person shall knowingly physically obstruct or block another person from entering into or exiting from the premises of a reproductive health care facility by physically striking, shoving, restraining, grabbing or otherwise subjecting a person to unwanted physical contact, or attempt to do the same.

B. No person shall knowingly obstruct or block the premises of a reproductive health care facility, so as to impede access to or from the facility, or attempt to do the same.

C. No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of thirty-five feet of the premises of a reproductive health care facility.

D. No person shall knowingly interfere with the operation of a reproductive health care facility, or attempt to do the same, by activities including, but not limited to, interfering with, or attempting to interfere with, medical procedures being performed at such facility or the delivery of goods to such facility.

Section 4. Radius Demarcation.

Any reproductive health care facility seeking the enforcement of the radius restriction set forth in Section 3(C) of this law must clearly mark the thirty-five foot radius and post signage related to same. Any cost associated with this requirement shall be borne by the reproductive health care facility.

Section 5. Penalties.

Any person who violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to $1,000 and/or up to one year's imprisonment.

Section 6. Civil cause of action.

Where there has been a violation of Section 3 of this law, any person whose ability to access a reproductive health care facility has been interfered with, and any owner or operator of a reproductive health care facility or owner of a building in which such a facility is

located, may bring a civil action in any court of competent jurisdiction for any of the following relief: (1) injunctive relief; (2) treble the amount of actual damages suffered as a result of such violation, including, where applicable, damages for pain and suffering, or damages in the amount of five thousand dollars, whichever is greater; and (3) attorneys' fees and costs.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: