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President

of the Senate

Robert A. DeLeo

Speaker of the

House of Representatives

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**Legislature Sends Public Safety and**

**Access to Care Bill to Governor**

BOSTON – The Senate and House passed final legislation to enhance public safety and remove barriers to access reproductive health care facilities in Massachusetts. This action follows the recent U.S. Supreme Court ruling striking down buffer zones across the nation, including the existing 35-foot buffer zone that was passed by the Legislature in 2007.

“This legislation is a responsible approach to addressing public safety concerns while also addressing the concerns of the Court,” **Senate President Therese Murray (D-Plymouth)** said. “This resolution restores the basic rights of privacy and respect that all women deserve when seeking access to health care. I am proud of the Legislature for taking this action to protect women in the Commonwealth.”

“This legislation will enhance public safety and help ensure equitable access to care,” **House** **Speaker Robert A. DeLeo** said. “My priority is protecting individuals using these health care facilities and I believe that by focusing on conduct, we will achieve this goal. I thank my colleagues in the Legislature, Senate President Murray, Governor Patrick and Attorney General Coakley for their vigilance in this regard.”

“This bill carefully balances public safety and access considerations with free speech rights in mind,” said **Senator Harriette L. Chandler (D-Worcester), Assistant Majority Leader**. “It is important to address this issue of public safety through establishing civil and criminal sanctions for individuals who impede or take other actions to restrict an individual’s access to a reproductive health care facility.  I have seen the harassing and intimidating behavior of protestors near clinics; everyone deserves safe access, and I am thrilled to have the support of my colleagues.”

“This legislation establishes conduct as a reason for creating that 25 feet zone of protection, not the content of someone’s speech or their opinions,” said **Representative Christopher Markey (D-Dartmouth), Vice-Chair of the Joint Committee on the Judiciary. “**It allows for those patients and employees entering and exiting reproductive health care facilities to have that modicum of privacy without abrogating anyone's right to express themselves. This doesn’t limit or curtail protest, but rather it seeks to address those who would escalate the situation by impeding, obstructing or assaulting.”

“I am pleased we have been able to move quickly to address a practical problem,” said **Senator Will Brownsberger (D-Belmont), Senate Chair of the Joint Committee on The Judiciary**. In so doing, we have kept constitutional concerns very much in mind.”

To enhance the ability of law enforcement officials to maintain public safety, the bill prohibits certain conduct outside reproductive health care facilities that threatens access and safety.

The bill authorizes law enforcement officials to order immediate withdrawal of 1 or more individuals who have on that day substantially impeded access to a facility entrance or driveway. After the order is issued, the individuals must remain at least 25 feet from the facility’s entrances and driveways for a maximum of eight hours. The 25-foot boundary must be clearly marked and the reflecting law must be posted.

It also prohibits a person from intentionally injuring or intimidating, or attempting to do the same, a person trying to access or depart from a facility by force, physical act or threat of force.

The bill prohibits impeding a patient or staff member’s access to or departure from a facility with the intent to interfere with that person’s ability to obtain or provide health care services. The law prohibits knowingly impeding an individual or vehicle’s access to or departure from a facility. It also prohibits recklessly interfering with the operation of a vehicle that attempts to enter, exit or park at a facility. Violations of any of these provisions can result in arrest and criminal charges.

In addition, the bill enhances the ability of private parties and the Attorney General to ensure compliance by filing a civil action in court. The bill allows an affected individual, entity or the Attorney General to bring a civil action in Superior Court seeking injunctive relief, damages and attorneys’ fees. The court may also award civil penalties. Any violation of an injunction would constitute a criminal offense. These provisions largely reflect the civil remedies available under the federal Freedom of Access to Clinic Entrances (FACE) Act.

The bill also amends the Massachusetts Civil Rights Act (MCRA) to allow the Attorney General to obtain compensatory damages on behalf of an affected individual or entity, recover litigation costs and fees and seek civil penalties for the interference of constitutional rights. The Attorney General currently has the ability through the existing MCRA to seek injunctions where an individual or group “interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion” with the exercise of a protected right, including the right to access reproductive health care.

The bill now goes to the Governor for his final approval.

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