

LEGISLATIVE DIGEST

[Police Code - Access to Reproductive Health Care Facilities]

Ordinance amending the Police Code to repeal the prohibition on entering or remaining within a 25-foot buffer zone of a reproductive health care facility; to prohibit individuals from following or harassing others within 25 feet of the entrance to such a facility; to prohibit impeding access to the door of such a facility; and to prohibit excessive noise through yelling or amplification of sound within 50 feet of such a facility.

Existing Law

Police Code Article 43 sets a fixed protective zone around a reproductive health care facility. This type of law is often known as a “buffer zone” law. Article 43 establishes a buffer zone around reproductive health care facilities within the City and County of San Francisco, encompassed by both of the following: (1) the area on a public way or sidewalk encompassed by a radius of 25 feet from any portion of an entrance, exit, or driveway of a reproductive health care facility; and (2) the area encompassed by extending the outside boundaries of any entrance, exit, or driveway of a reproductive health care facility in straight lines to the point where those lines intersect the sideline of the street or the property line of the health care facility. Article 43 applies only at reproductive health care facilities, and excludes licensed hospitals and facilities owned or operated by licensed hospitals from the definition of a reproductive health care facility.

Amendments to Current Law

The proposed ordinance replaces the buffer zone established by Article 43 with three prohibitions: 1) restrictions on individuals following and harassing persons within a 25-foot zone around reproductive health care facilities; 2) a ban on impeding access to a door of such facilities; and 3) prohibitions against amplified sound or shouting within 50 feet of such facilities, with certain exceptions.

Background Information

The proposed ordinance is modeled on several other state and local laws, which have either been upheld by the courts, or referenced as alternatives to a buffer zone by the United States Supreme Court.