

1 [Ordinance amending Police Code Sections 4302 and 4303 to define harassment of an
2 individual seeking access to a health care facility in terms approved by the United States
3 Supreme Court in *Hill v. Colorado*.]

4 **Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the**
5 **requirement that before they may be protected from harassment, persons seeking**
6 **access to health care facilities invoke a "buffer zone" by declaring to protestors a**
7 **desire to be left alone; and (2) to define harassment of a person seeking access to a**
8 **health care facility as the non-consensual and knowing approach within eight feet of**
9 **another person for purposes of passing a leaflet or handbill to, display a sign to, or**
10 **engage in oral protest, education or counseling with such other person in a public way**
11 **or on a sidewalk area within one hundred feet of a health care facility.**

12 Note: Additions are single-underline italics Times New Roman;
13 deletions are ~~strikethrough italics Times New Roman~~.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough normal~~.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The San Francisco Police Code is hereby amended by Amending Article 43,
18 Section 4302, to read as follows:

19 SEC. 4302. DEFINITIONS.

20 (a) For purposes of this Article, the term "buffer zone" refers to a sphere of
21 protection surrounding an individual seeking access to, passage from, or services within a
22 health care facility, when that individual is within 100 feet of an exterior wall of a health care
23 facility. The sphere is delineated by an eight foot radius extending in all directions from the
24 individual seeking access to, passage from, or services within the health care facility. For
25 purposes of this Section, distance shall be measured from any extension of the body of the
individual seeking access to, passage from, or services within the facility to any extension of

1 the body of, or any sign or object held by another person, ~~after the individual requests to be left~~
2 ~~alone as described in Section 4303.~~

3 (b) For purposes of this Article, the term "health care facility" means a facility
4 licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health
5 and Safety Code, a health facility licensed pursuant to Chapter 2 (commencing with Section
6 1250) of Division 2 of the Health and Safety Code, or any facility where medical care is
7 regularly provided to individuals by persons licensed under Division 2 (commencing with
8 Section 500) of the Business and Professional Code, the Osteopathic Initiative Act, or the
9 Chiropractic Initiative Act, provided that said facility provides reproductive health care
10 services.

11 (c) For purposes of this Article, the term "reproductive health care services"
12 refers to all medical, surgical, counseling and informational services related to the human
13 reproductive system.

14 (d) For purposes of this Article, the term "person" shall include, but is not
15 limited to: 1) Individuals; 2) corporations; 3) not-for-profit organizations; 4) partnerships; 5)
16 associations; and 6) groups or other entities. The term "person" shall not include an individual
17 seeking access to, passage from, or services within a health care facility and his or her
18 escorts. (Added by Ord. 226-93, App. 7/16/93)

19 Section 2. The San Francisco Police Code is hereby amended by Amending Article
20 43, Section 4303, to read as follows:

21 **SEC. 4303. HARASSMENT OF INDIVIDUALS SEEKING ACCESS TO HEALTH**
22 **CARE FACILITIES PROHIBITED.**

23 (a) It shall be unlawful for any person to harass, as defined in this Article, or
24 attempt to harass an individual entering, exiting, or seeking care inside a health care facility.

1 (b) For purposes of this Article, the term "harassment" refers to situations
2 where, within 100 feet of an exterior wall of a health care facility, a person knowingly
3 approaches another person within eight feet of such person, unless such other person consents, for the
4 purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education,
5 or counseling with such other person. intentionally fails to maintain a distance of at least eight feet
6 from the individual seeking access to, passage from, or services within the facility, provided that said
7 individual requests withdrawal. This request for withdrawal may be made by a verbal communication,
8 or by carrying or wearing a visible sign clearly requesting withdrawal. Verbal statements or signs
9 displaying words or symbols such as "stop it," "withdraw," "back off," "get away," or "leave me
10 alone" shall be sufficient to constitute a request for withdrawal under this subsection. Mere statements
11 of opinion or disagreement, made in the absence of a request for withdrawal, shall not be sufficient to
12 constitute a request for withdrawal under this subsection. Failure to obey immediately such a request
13 by a withdrawing to a distance of at least eight feet shall constitute a violation of this Article.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By:

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19 K. SCOTT DICKEY
20 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 031105

Date Passed:

Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.

August 12, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

August 19, 2003 Board of Supervisors — FINALLY PASSED

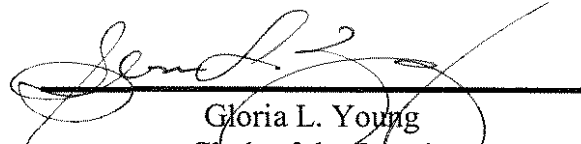
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

File No. 031105


I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on August 19, 2003
by the Board of Supervisors of the City and
County of San Francisco.

AUG 28 2003

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.