

LOCAL LAW NO. “H” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PREVENTING INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITIES

Introduced: 8/8/22

By Mr. A. Joyce, **Ms. Lekakis**, Messrs. Feeney, Reinhardt, Reidy, Efekoro, Fein, Mss. Plotsky, McLean Lane, Messrs. Miller, Ward, Cleary, Clay, Ethier, Commisso, Mss. McLaughlin, Chapman, Mr. Simpson, Ms. Willingham, Messrs. Peter, Kuhn, Mayo, O'Brien, Ms. Cunningham, Messrs. Ricard, R. Joyce and Domalewicz:

BE IT ENACTED by the Legislature of the County of Albany as follows:

SECTION 1. Title

This local law shall be known as the “Protected Access to Healthcare Act for Albany County.”

SECTION 2. Legislative intent and purpose.

A. This Legislature finds and determines that access to health care facilities for the purpose of obtaining medical counseling and treatment is imperative for citizens of this county.

B. This Legislature further finds and determines that the exercise of a person’s right to protest or counsel against certain medical procedures must be balanced against another person’s right to obtain medical counseling and treatment in an unobstructed manner.

C. This Legislature further finds and determines that preventing the willful obstruction of a person’s access to medical counseling and treatment at a health care facility is a matter of countywide concern.

D. The Legislature of the County of Albany therefore declares that it is appropriate to enact legislation that prohibits a person from knowingly obstructing another person’s entry to or exit from a health care facility.

SECTION 3. Definitions

- a. The term “approach” shall mean to move nearer in distance to someone.
- b. The term “eight (8) feet” shall be measured from the part of a person’s body that is nearest to the closest part of another person’s body, where the term “body” includes any natural or artificial extension of a person, including, but not limited to, an outstretched arm or hand-held sign.

- c. The term “harass” shall mean to engage in a course of conduct or repeatedly commit conduct or acts that alarm or seriously annoy another person and which serve no legitimate purpose. For the purposes of this definition, conduct or acts that serve no legitimate purpose include, but are not limited to, conduct or acts that continue after an express or implied request to cease has been made.
- d. The term “health care facility” shall mean any entity that is licensed, certified, or otherwise authorized or permitted by law to administer medical treatment in this county.
- e. The term “interfere with” shall mean to restrict a person’s freedom of movement, or to stop, obstruct, or prevent, through deceptive means or otherwise.
- f. The term “intimidate” shall mean to place a person in reasonable apprehension of physical injury to such person or to another person.
- g. The term “physical obstruction” shall mean to physically hinder, restrain, or impede, or to attempt to physically hinder, restrain or impede, or to otherwise render ingress to or egress from, or render passage to or from the premises of a health care facility impassable, unreasonably difficult, or hazardous.

SECTION 4. Prohibitions

No person shall knowingly either (1) approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius of fifty (50) feet from any entrance door to a health care facility; or (2) by force or threat of force or by physical obstruction, intentionally injure, intimidate, harass, or interfere with or attempt to injure, intimidate, harass or interfere with any person entering or leaving any health care facility.

SECTION 5. Penalties

- a. Any person who shall violate any provision of this Local Law shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000), or imprisonment not to exceed six (6) months, or both, for a first conviction; and
- b. For a second and each subsequent conviction under this Local Law the penalty shall be a fine not to exceed five thousand dollars (\$5,000), or imprisonment not to exceed one (1) year, or both.

SECTION 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Effective date.

This law shall take effect immediately.

Referred to Law and Health Committees – 8/8/22

Favorable Recommendation Law Committee – 9/28/22

Favorable Recommendation Health Committee – 9/29/22

On long roll call vote the following members voted in favor: Messrs. Beston, Bruschi, Burgdorf, Ms. Chapman, Messrs. Clay, Cleary, Commisso, Ms. Cunningham, Messrs. Domalewicz, Drake, Efekoro, Ethier, Feeney, Fein, Grimm, A. Joyce, R. Joyce, Kuhn, Mss. Lekakis, Lockart, Messrs. Mauriello, Mayo, Mss. McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Perlee, Peter, Ms. Plotsky, Messrs. Reidy, Reinhardt, Ricard, Simpson, Smith, Tunny, Ward, and Mss. Whalen, Willingham – 38

Those opposed – Mr. Collins – 1

Local Law was adopted – 10/11/22