

Federal and state clinic access laws give patients and staff the right to be free from force, threats of force, or physical obstruction when trying to obtain or provide reproductive health care* at medical facilities. This pamphlet is designed to explain the rights that these laws give you.**

Where do clinic access laws apply?

These laws apply at any doctor's office, hospital or medical clinic that provides information, referrals, counseling or medical services about human reproduction, such as **birth control, abortion, or prenatal care.**

What is illegal under these laws?

These laws prohibit:

- **acts of force**, like hitting or shoving;
- written or verbal **threats of force** that make you fear physical harm to yourself or someone else;
- some **physical obstructions** outside facilities.

What kind of physical obstruction is illegal?

- actions that **completely block** doorways or driveways;
- actions that make access **unreasonably difficult or hazardous**, such as: walking very slowly across a facility's driveway; making cars stop in a facility's driveway; walking extremely close to, or stopping short in front of, people trying to enter or leave the facility.

* Reproductive health care includes medical, surgical, counseling or referral services relating to the human reproduction system, including birth control, abortion and prenatal care.

** The federal law is the Freedom of Access to Clinic Entrances Act ("FACE"), 18 U.S.C. § 248. The New York State law is the Clinic Access Act, N.Y. Penal Law §§ 240.70-240.71.

Do these laws cover yelling, shouting, or the signs protesters carry?

- These laws **do not** prohibit people from carrying signs, handing out flyers, or even yelling as you enter a facility.
- Protesters have a First Amendment right to express their views -- even by saying things that make you angry or hurt your feelings.
- **However**, protesters may violate the law if they: make noise that disrupts medical care, or stand or hold signs in ways that make it **physically difficult or hazardous** to enter or leave the facility -- for example, by blocking visibility from a driveway.

Do these laws require protesters to stay a certain distance away from a medical facility's door?

- No. Protesters must stay off a facility's **private property**, but they are not required to stay any set distance away from you or from a facility's doorway.
- Some facilities, however, have a "no protest" or "buffer" zone established by local law enforcement or court order.

What can I do if I think protesters have violated these laws?

- Ask the facility for a **Clinic Access Complaint Form** and send it to the New York State Attorney General's Office. You can also obtain a Clinic Access Complaint Form by writing to our address on the back of this form.
- File a complaint with your local police department saying that you think the protesters have violated the New York Clinic Access Act.
- File a complaint with the local United States Attorney's Office saying that you think the protesters have violated the federal FACE Act.
- You may also contact a private attorney to bring a civil lawsuit to obtain an order stopping unlawful conduct and/or an award of money damages.

What rights do doctors, nurses, and other medical office staff have under clinic access laws?

- Doctors, nurses, and other staff of medical offices have the same rights as patients: to be free from force, threats of force, and physical obstructions that are aimed at you because you provide reproductive health care.
- In addition, these laws make it a **crime** for anyone to intentionally damage or destroy the property of a reproductive health care facility.

Can a facility take action against protesters even if patients do not want to make a complaint?

Yes. Staff of a medical facility may take the same steps that are suggested on the previous page if you think protesters have violated these laws.

What will the Attorney General's office do about a complaint?

The Attorney General's Office will evaluate the situation and decide whether to seek a court order to stop any unlawful conduct at the facility, or to take other steps to ensure freedom of access to these medical services.

How do I contact the Attorney General's Office?

The Attorney General has established a Reproductive Rights Unit in the Civil Rights Bureau. Patients and staff who believe they have been or are being harmed by violations of the clinic access laws should write:

Reproductive Rights Unit
Civil Rights Bureau
New York State Attorney General's Office
120 Broadway, 3rd Floor,
New York, New York 10271
Anne.Pearson@ag.ny.gov

PROTECTING ACCESS TO WOMEN'S HEALTH SERVICES

Your Rights Under the Freedom of Access to Clinic Entrances Act and New York State's Clinic Access Law

