

Protecting Access to Clinics

BACKGROUND: While the handful of murders of abortion providers and clinic staff have attracted much media attention, family planning clinics report that they frequently experience other serious forms of antiabortion violence. These include bombings, arson and vandalism, as well as violent protests and blockades. In 1994, the federal government enacted the Freedom of Access to Clinic Entrances (FACE) Act, which prohibits intentional property damage and the use of “force or threat of force or...physical obstruction” to “injure, intimidate or interfere with” someone entering a health care facility.

States have taken two approaches designed to protect abortion providers. Some states have enacted laws similar to the federal FACE Act that prohibit specific activities such as vandalism or obstruction at clinics. Other states have limited protests aimed at clinic patients by either creating “buffer” zones around clinics that bar protestors entirely or establishing floating “bubble zones” of several feet around a person who is within a specific distance of a clinic; protestors are prohibited from crossing into that “bubble zone” without the person’s consent. In 2014, the U.S. Supreme Court struck down the Massachusetts law that placed a 35-foot buffer zone around clinic entrances. The impact of this ruling on the New Hampshire law is still to be determined, but the decision did not immediately affect the Court’s 2000 ruling that upheld Colorado’s floating “bubble zone” law.

HIGHLIGHTS:

- 14 states and the District of Columbia prohibit certain specified actions aimed at abortion providers.
 - 12 of the states and the District of Columbia prohibit blocking the entrance to and egress from clinic facilities.
 - 6 of the states and the District of Columbia prohibit threatening or intimidating staff who provide reproductive health services and/or patients entering the clinic.
 - 3 of the states prohibit property damage to facilities providing reproductive health services.
 - 2 of the states and the District of Columbia prohibit telephone harassment of staff who provide reproductive health services.
 - 5 of the states and the District of Columbia prohibit other specified actions, such as creating excessive noise outside the clinic, possessing or having access to a weapon during a demonstration at a medical facility, trespassing, or releasing a substance that produces noxious odor on clinic premises.
- 3 states have established a “bubble zone” around a person within a specific distance of a clinic’s entrance or driveway.



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PROTECTING ACCESS TO CLINICS

STATE	SPECIFIC PROHIBITED ACTIONS					PROTECTED "BUBBLE ZONE"
	Obstruction	Threat	Damage	Telephone Harassment	Other	
California*	X	X	X		Online harassment ^β	8-ft. zone within 100 ft. of door
Colorado						
Dist. of Columbia	X	X		X	Noise, Trespassing	
Kansas	X					
Maine	X			X	Noise, Odor	
Maryland	X					
Massachusetts	X	X				25 feet if ordered by police
Michigan		X				
Minnesota	X					
Montana	X					8-ft. zone within 36 ft. of door
Nevada	X					
New Hampshire						♦
New York	X	X	X			
North Carolina	X	X			Weapon on site	
Oregon	X		X			
Washington	X	X			Noise, Trespassing	
Wisconsin					Trespassing	
TOTAL	12 + DC	6 + DC	3	2 + DC	5 + DC	3

* Requires the collection and analysis of data by state attorney general's office and training for law enforcement officers by experts on clinic violence.

^β Prohibits posting of contact information and images of reproductive health service providers

♦ New law was scheduled to take effect in 2014; currently not enforced.

FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's [Monthly State Update](#), for state-level policy information see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information go to Guttmacher's [Data Center](#), and for abortion specific information click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis sign up for the [State News Quarterly Listserv](#).

Gold et al., [Laws Affecting Reproductive Health and Rights: State Trends at Midyear](#), 2014.

Lin V, [Anthrax threats, continued violence prompt renewed attention to clinic, client protection](#), *The Guttmacher Report on Public Policy*, 2001, 4(6):13–14.

The Alan Guttmacher Institute, [High court strikes down 'partial-birth' ban, upholds protections for clinic clients](#), *The Guttmacher Report on Public Policy*, 2000, 3(4):12.