



Legislation Text

File #: O-061-21, Version: 1

Council Members Komives, Gadus and Williams

Enacting Toledo Municipal Code Section 521.13 “Patient Safety”; and declaring an emergency.

WHEREAS, Toledo City Council recognizes that access to reproductive health care facilities for the purpose of obtaining medical counseling and treatment is imperative for the residents of this region; and that preventing the willful obstruction of a person’s access to medical counseling and treatment at a reproductive health care facility is a matter of safety and of citywide concern. City Council 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 reproductive health care facility; and

WHEREAS, preventing the willful obstruction of and interference with people’s access to reproductive health care and the protection of public safety is a matter of citywide concern; and

WHEREAS, there is a documented history of obstruction of and interference with people’s access to reproductive health care services in Toledo; and

WHEREAS, this ordinance ensures that First Amendment freedoms including speech and peaceable assembly are not unduly restricted or overburdened, and no more than minimally necessary to ensure safe and unhindered access to reproductive health care facilities;

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 521.13, entitled “Patient Safety” be enacted to read as follows:

521.13 Patient Safety

(a) Definitions. As used in this section:

- (1) "Reproductive Health Care Facility" means a hospital, clinic, ambulatory surgical treatment center, other center, medical school, office of a physician, infirmary, dispensary, medical training institution, or other health care facility at which licensed, certified or otherwise legally authorized persons provide health care services and/or health care counseling relating to the human reproductive system or family planning services, including abortion.
- (2) "Premises" means any land, building, structure, parking lot, driveway or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.
- (3) “Driveway” means an entry from a public street to a public or private parking area or patient drop-off and pick-up area used by a reproductive health care facility.

(b) No person shall knowingly do any of the following:

(1) Physically obstruct or block another person from entering into or exiting from the Premises of a Reproductive Health Care Facility by physically striking, shoving, restraining, grabbing, or otherwise subjecting the person to unwanted physical contact, or attempt or threaten to do the same;

(2) Obstruct or block the Premises of a Reproductive Health Care Facility, so as to impede access to or from the facility, attempt to do the same, or block the Driveway as set forth in section 351.07(a)(24) of Toledo Municipal Code;

(3) Approach or follow another person within 8 feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area; and such 8-foot buffer zone shall apply within a radius of 100 feet from the Premises of the Reproductive Health Care Facility.

(c) At the request of any reproductive health care facility, the City of Toledo shall install or paint appropriate signage at the facility to inform the public of these regulations. At a minimum, the signage must indicate “Reproductive Health Care Facility: Obstructing access to this facility is a violation of the law.”

(d) Penalty. Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On subsequent offenses, the court may sentence the offender to a maximum fine of \$1,000 and a jail term not to exceed one (1) year, notwithstanding the terms of imprisonment set forth in Chapter 2929 of the Ohio Revised Code.

SECTION 2. That the purpose of this code section is to increase public safety and order at reproductive health care facilities, protect the medical privacy of patients seeking medical services as well as protecting the patients’ physical and psychological well-being, protect the free flow of traffic on sidewalks and streets, and at the same time ensure that First Amendment speech rights are not unduly restricted or burdened.

SECTION 3. That all formal actions concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary for the immediate protection and safety of people seeking consultation and services at reproductive health care facilities.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council