

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A Local Law amending Chapter 425 of the Laws of Westchester County.”

In 2022, this Honorable Board enacted Chapter 425 of the Laws of Westchester County (“Chapter 425”) to prohibit interference with accessing reproductive health care facilities and obtaining reproductive health care services within the parameters established by precedent of the United States Supreme Court and the Second Circuit Court of Appeals, in order to: protect and promote the public health, safety, and welfare; ensure order; protect freedom of access to reproductive health care facilities; protect the freedom to obtain reproductive health care services; promote the free flow of traffic in the public way; advance medical privacy and the well-being of patients seeking access to reproductive health care facilities and obtaining reproductive health care services; and safeguard private property. By enacting Chapter 425, this Honorable Board struck an appropriate balance between the rights of those seeking reproductive health care and those seeking to exercise their First Amendment rights outside of reproductive health care facilities.

Your Committee has been informed that, while Chapter 425 has improved access to reproductive health care facilities, the floating buffer zone provision contained in Section 425.31(i) is difficult to enforce and does not appear to be needed to effectuate the intent of Chapter 425. After consultation with representatives of reproductive rights organizations and enforcement agencies, your Committee has determined that Section 425.31(i) is not necessary at this time, and proposes the enactment of the attached local law to remove that subsection of Chapter 425, together with two definitions that apply only to that subsection.

Your Committee firmly believes that the remainder of Chapter 425 satisfactorily protects access to reproductive health care facilities in Westchester County, without the enforcement difficulties attached to Section 425.31(i).

Finally, your Committee is informed that this Local Law does not meet the definition of an action under SEQRA and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends adoption of this Local Law.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ – 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled “A Local Law amending Chapter 425 of the Laws of Westchester County.” The public hearing will be held at __.m. on the _____ day of _____, 2023, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. - 2023

A LOCAL LAW amending Chapter 425
of the Laws of Westchester County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 425.21 of the Laws of Westchester is hereby amended to read as follows:

Sec. 425.21. Definitions.

Whenever used in this Chapter, the following words and phrases shall have the meanings indicated, unless the context or subject matter otherwise requires:

- [a. “Approach” shall mean to move nearer in distance to someone.
- b. “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]a. “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]b. “Interfere with” shall mean to stop or to restrict a person’s freedom of movement, or to stop, obstruct, or prevent, through deceptive means or otherwise.
- [e]c. “Intimidate” shall mean to place a person in reasonable apprehension of physical injury to such person or to another person.

[f]d. “Invitee” shall mean an individual who enters another’s premises as a result of an express or implied invitation of the owner or occupant for their mutual gain or benefit.

[g]e. “Person” shall mean an individual, corporation, not-for-profit organization, partnership, association, group, or any other entity.

[h]f. “Physically obstruct or block” 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 reproductive health care facility impassable, unreasonably difficult, or hazardous.

[i]g. “Premises of a reproductive health care facility” shall include the driveway, entrance, entryway, or exit of the reproductive health care facility, the building in which such facility is located, and any parking lot in which the facility has an ownership or leasehold interest.

[j]h. “Public parking lot serving a reproductive health care facility” shall mean any public parking lot that serves a reproductive health care facility and that has an entrance or exit located within one-hundred (100) feet of any door to that reproductive health care facility.

[k]i. “Reproductive health care facility” shall mean any building, structure, or place, or any portion thereof, at which licensed, certified, or otherwise legally authorized persons provide reproductive health care services.

[l]j. “Reproductive health care services” shall mean medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

Section 2. Section 425.31 of the Laws of Westchester is hereby amended to read as follows:

Sec. 425.31. Prohibited conduct.

It shall be unlawful for any person to do the following:

- a. knowingly physically obstruct or block another person from entering into or exiting from the premises of a reproductive health care facility or a public parking lot serving a reproductive health care facility, in order to prevent that person from obtaining or rendering, or assisting in obtaining or rendering, medical treatment or reproductive health care services; or
- b. strike, shove, restrain, grab, kick, or otherwise subject to unwanted physical contact or injury any person seeking to legally enter or exit the premises of a reproductive health care facility;
or
- c. knowingly follow and harass another person within twenty-five (25) feet of (i) the premises of a reproductive health care facility or (ii) the entrance or exit of a public parking lot serving a reproductive health care facility; or
- d. knowingly engage in a course of conduct or repeatedly commit acts when such behavior places another person in reasonable fear of physical harm, or attempt to do the same, within twenty-five (25) feet of (i) the premises of a reproductive health care facility or (ii) the entrance or exit of a public parking lot serving a reproductive health care facility; or
- e. by force or threat of force, or by physically obstructing or blocking, knowingly injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, another person in order to discourage such other person or any other person or persons from obtaining or providing, or assisting in obtaining or providing, reproductive health care services; or
- f. by force or threat of force, or by physically obstructing or blocking, knowingly injure, intimidate, or interfere with, or attempt to injure, intimidate or interfere with, another person because such person was or is obtaining or providing, or was or is assisting in obtaining or providing, reproductive health care services; or

- g. physically damage a reproductive health care facility so as to interfere with its operation, or attempt to do the same; or
- h. knowingly interfere with the operation of a reproductive health care facility, or attempt to do the same, by activities including, but not limited to, interfering with, or attempting to interfere with (i) medical procedures or treatments being performed at such reproductive health care facility; (ii) the delivery of goods or services to such reproductive health care facility; or (iii) persons inside the facility. [; or
- i. knowingly approach another person within eight (8) feet of such person, unless such other person consents, for the purpose of passing any material, item, or object to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way within a radius of one-hundred (100) feet from any door to a reproductive health care facility.]

Section 3. This Local Law shall take effect immediately.