



**INTERFERENCE WITH HEALTH CARE FACILITIES**

**§ -1 Definitions.** For the purposes of this chapter:

"Aggrieved party" means:

(1) A person who is physically present at a health care facility whose access is or is about to be obstructed or impeded by another person's intentional, knowing, or reckless interference;

(2) A person who is physically present at a health care facility whose care is or is about to be disrupted by another person's intentional, knowing, or reckless interference;

(3) A health care facility and its employees or agents; and

(4) The owner of a health care facility or the building or property upon which the health care facility is located.

"Health care facility" or "facility" has the same meaning as in section 323D-2 and includes any buildings or structures in which the facility is located and any associated driveway.

"Health care facility employee" means an officer, director, employee, or agent of a health care facility.



1 "Health care provider" has the same meaning as in section  
2 671-1.

3 § -2 **Interference with health care facilities**

4 **prohibited; exception.** (a) Except as otherwise provided under  
5 federal or state law, it shall be unlawful for any person, alone  
6 or in concert, to intentionally, knowingly, or recklessly  
7 interfere with another person's access to or from a health care  
8 facility or intentionally, knowingly, or recklessly disrupt the  
9 normal functioning of a health care facility by:

10 (1) Physically obstructing or impeding the free passage of  
11 another person seeking to enter or depart from the  
12 facility or from the common areas of the real property  
13 on which the facility is located;

14 (2) Making or causing repeated telephone calls to a  
15 person, including a health care facility employee or  
16 health care provider, or a health care facility with  
17 the intent to impede access to the person's or health  
18 care facility's telephone lines or otherwise disrupt  
19 the person's or health care facility's activities; or



1 (3) Threatening to inflict injury on the owners, agents,  
2 patients, employees, or property of the health care  
3 facility.

4 (b) This section shall not apply to actions taken as part  
5 of a labor demonstration or when exercising the right to strike.

6 § -3 **Criminal penalties.** (a) In addition to any other  
7 penalties, any person who intentionally, knowingly, or  
8 recklessly violates this part, whether alone or in concert,  
9 shall be guilty of a petty misdemeanor and shall be punished as  
10 follows:

11 (1) For a first offense, a fine of no less than \$250 and a  
12 term of imprisonment of at least twenty-four  
13 consecutive hours;

14 (2) For a second offense, a fine of no less than \$750 and  
15 a term of imprisonment of at least seven consecutive  
16 days; and

17 (3) For a third or subsequent offense, a fine of no less  
18 than \$1,000 and a term of imprisonment of no more than  
19 thirty consecutive days.

20 (b) A court having jurisdiction in a criminal proceeding  
21 under this chapter shall take all reasonably necessary steps to



1 safeguard the individual privacy of an aggrieved party and  
2 prevent harassment of a patient, health care provider, or health  
3 care facility employee who is a party or witness to a  
4 proceeding, including granting protective orders and motions in  
5 limine.

6 (c) For the purposes of this section, "person" means a  
7 person eighteen years of age or older.

8 § -4 Civil remedies. (a) Any aggrieved party may bring  
9 a civil suit against a person or persons who intentionally,  
10 knowingly, or recklessly violated this chapter in the district  
11 court of the district in which the violation took place to  
12 enjoin further violations and recover actual damages sustained.  
13 The aggrieved party shall not be required to allege or prove  
14 actual damages to prevail.

15 (b) The court may, in its discretion, increase the award  
16 of damages to an amount not to exceed \$500, or \$5,000 if the  
17 aggrieved party is a health care facility, for each day of  
18 continued violation. The court may, in its discretion and  
19 subject to all applicable federal and state laws, regulations,  
20 and rules, issue injunctive relief without bond.



1 (c) In any action brought under this section, the  
2 prevailing party shall be entitled to the recovery of costs of  
3 the suit, including court costs and fees and reasonable  
4 attorney's fees.

5 (d) A court having jurisdiction in a criminal proceeding  
6 under this chapter shall take all reasonably necessary steps to  
7 safeguard the individual privacy of an aggrieved party and  
8 prevent harassment of a patient, health care provider, or health  
9 care facility employee who is a party or witness to a  
10 proceeding, including granting protective orders and motions in  
11 limine.

12 (e) The attorney general may bring an action in a court of  
13 competent jurisdiction for appropriate injunctive or other  
14 equitable relief against any person who is reasonably believed  
15 to violate or who is in the course of violating this chapter.

16 § -5 **Enforcement.** Enforcement of this chapter shall be  
17 under the concurrent jurisdiction of the attorney general, the  
18 prosecuting attorneys or deputy prosecuting attorneys of the  
19 various counties, and the police departments of the various  
20 counties.



1           §   -6 Remedies and penalties not exclusive. The  
2 penalties and remedies provided in this chapter with respect to  
3 any violation of this chapter shall not be deemed exclusive of  
4 each other or of any other civil or criminal rights, remedies,  
5 or penalties provided or allowed by law with respect to any  
6 violation."

7           SECTION 3. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10          SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Health Care Facilities; Interference; Disruption; Petty  
Misdemeanor; Private Right of Action; Civil Remedies; Criminal  
Penalties; Attorney General

**Description:**

Prohibits persons from interfering with another person's access to or from a health care facility or disrupting the normal functioning of a health care facility. Makes violations a petty misdemeanor. Establishes a private right of action. Authorizes the Attorney General to bring an action for injunctive or other equitable relief. Effective 7/1/3000. (HD1)

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