

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 872

Short Title: Health Care Facility Access.

(Public)

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Sponsors: Representatives Michaux; Barnes, Burton, Cummings, Easterling, Fitch, Hackney, Holt, H. Hunter, and Kennedy.

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Referred to: Judiciary I.

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April 12, 1993

1 A BILL TO BE ENTITLED

2 AN ACT TO PROTECT A PERSON'S ACCESS TO HEALTH CARE FACILITIES.

3 The General Assembly of North Carolina enacts:

4       Section 1. Chapter 14 of the General Statutes is amended by adding the  
5 following new Article to read:

6                             **"ARTICLE 36B.**

7                             **"ACCESS TO HEALTH CARE FACILITIES.**

8                             **"§ 14-288.21. Definitions.**

9       As used in this Article, unless the context clearly requires otherwise, the term:

10                          (1) 'Act' means a physical activity, but does not include speech or lawful  
11                          picketing in connection with labor disputes.

12                          (2) 'Health care facility' means any entity that is licensed, certified, or  
13                          otherwise authorized or permitted to administer medical treatment in  
14                          this State.

15                             **"§ 14-288.22. Prohibited acts.**

16                          (a) No person shall act alone or conspire with another to obstruct or block  
17                          another person's access to or egress from a health care facility with the intent to deprive  
18                          or delay the person from obtaining or providing health care services in the health care  
19                          facility. A violation of this subsection is a misdemeanor, punishable by a term of  
20                          imprisonment of not less than 30 days and not more than 12 months. The minimum  
21                          sentence shall not be subject to suspension.

1       (b) No person shall act alone or conspire with another to approach another person  
2 within eight feet of that person, unless that person consents, to unreasonably and  
3 knowingly disturb or alarm that person or another person by any of the following:

- 4           (1) Loud noise;  
5           (2) Using language or physical gestures which are likely to provoke  
6 immediate emotional distress or an immediate violent response from a  
7 reasonable person who is the target or recipient of such language or  
8 gestures;  
9           (3) Threatening to commit an act upon a person which is a crime;  
10          (4) Fighting; or  
11          (5) Creating a noxious and offensive odor.

12 A violation of this subsection is a misdemeanor, punishable by a term of imprisonment  
13 not to exceed six months.

14       (c) A second conviction for a violation of either subsection (a) or (b) of this  
15 section within three years of the first violation shall be punishable by a term of  
16 imprisonment of not less than six months and not more than two years. The minimum  
17 sentence shall not be subject to suspension. A third or subsequent conviction for a  
18 violation of either subsection (a) or (b) of this section within three years of the second or  
19 most recent conviction shall be punishable as a Class I felony.

20       (d) Any person aggrieved under this Article may seek injunctive relief in a court  
21 of competent jurisdiction to prevent further violations of the act. Any violation of an  
22 injunction obtained pursuant to this section constitutes criminal contempt and shall be  
23 punishable by a term of imprisonment of not less than 30 days and not more than 12  
24 months."

25           Sec. 2. G.S. 14-277.2(a) reads as rewritten:

26       "(a) It shall be unlawful for any person participating in, affiliated with, or present  
27 as a spectator at any parade, funeral procession, picket line, or demonstration upon any  
28 private health care facility or upon any public place owned or under the control of the  
29 State or any of its political subdivisions to willfully or intentionally possess or have  
30 immediate access to any dangerous weapon. Violation of this subsection shall be a  
31 misdemeanor. It shall be presumed that any rifle or gun carried on a rack in a pickup  
32 truck at a holiday parade or in a funeral procession does not violate the terms of this  
33 act."

34           Sec. 3. This act becomes effective December 1, 1993, and applies to acts  
35 committed on or after that date.