WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2100

By Delegate Walker

[Introduced January 11, 2023; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-15, relating to establishing the misdemeanor crime of obstructing access to medical facilities; prohibiting the use of force, physical detention, obstruction, or other physical hinderance of another person to prevent that person from entering or exiting a medical facility; defining the term medical facility; providing certain exceptions and limitations; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-15. Obstructing access to medical facilities.

(a) A person may not intentionally act, alone or with others, to prevent another person from entering or exiting a medical facility by force, by physically detaining the other person, or by obstructing, impeding, or hindering the other person’s passage.

(b) As used in this section, "medical facility" means:

(1) Any agency, center, clinic, department, office, or other facility where medical services are administered or performed, either on an in-patient or out-patient basis;

(2) Any health care facility as defined in §16-30-3 of this code; or

(3) Any agency, clinic, or office operated under the direction of the local health officer or under the regulatory authority of the West Virginia Department of Health and Human Resources.

(c) This section does not apply to the chief executive officer of the medical facility; a designee of the chief executive officer of the medical facility; an agent of the medical facility; or a law-enforcement officer.

(d) This section does not prohibit picketing in connection with a labor dispute as defined in §21-1A-2(a) of this code, or personal expression by, or through, speech.

(e) A person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding $1,000 or confined in jail not more than 90 days or both fined and confined.

NOTE: The purpose of this bill is to establish the crime of obstructing access to medical facilities.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.