

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4569

FISCAL  
NOTE

BY DELEGATES WALKER, SKAFF, FLUHARTY, GARCIA,  
HANSEN, GRIFFITH, EVANS, DOYLE, BARACH, PETHTEL,  
AND HORNBUCKLE

Introduced February 07, 2022; Referred to the  
Committee on Health and Human Resources then  
the Judiciary]

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

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

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

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

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

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

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

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

15 (e) A person who violates this section is guilty of a misdemeanor and, upon conviction  
16 thereof, shall be fined not exceeding \$1,000 or confined in jail not more than 90 days or both fined  
17 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.