

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2100

FISCAL
NOTE

By Delegate Walker

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

1 A BILL to amend 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 from
2 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 in
14 §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.