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Safe Access to Termination of Pregnancy Services Bill

5 **A Bill to protect the free and unencumbered access to facilities providing legal termination of pregnancy services; protect individuals providing or facilitating legal termination of pregnancy services from harassment; and to provide for matters connected therewith.**

10 **BE IT ENACTED** by the Oireachtas as follows:—

1 **Definitions**

In this Act—

“designated premises” means any premises at which termination of pregnancy services or contraceptive services are provided;

15 “contraceptive services” means services provided for the provision of contraception or advice in relation to contraception;

“harassment” has the meaning given to it in the Non-Fatal Offences Against the Person Act 1997;

20 “registered Trade Union” means a trade union registered under the Trade Union Acts 1871-1990;

“service provider” means a person who provides, or facilitates the provision of, termination of pregnancy services or contraceptive services;

25 “termination of pregnancy services” means lawful services provided for the termination of pregnancy.

2 **Establishing safe access zones**

(1) A safe access zone is established with a radius of 100 metres around—

(a) A designated premises; and

(b) Any access point to a building that houses a designated premises.

3 **Activities restricted in a safe access zone**

(1) While in a safe access zone established under section 2 of this Act, a person must not:

(a) express or demonstrate support for or opposition to a person’s decision to access, provide, or facilitate the provision of termination of pregnancy services or contraceptive services; or

(b) seek to influence, a person’s decision to access, provide, or facilitate the provision of termination of pregnancy services or contraceptive services; or

(c) engage in acts that a reasonable person would realise would be likely to achieve (a) or (b).

(2) For the purposes of subsection (1) of this section, ‘express or demonstrate’ includes, without limitation —

(a) observing, persistently, continuously or repeatedly, a designated premises or any person entering or exiting a designated premises; or

(b) occupying, persistently, continuously or repeatedly, any area; or

- (c) interfering with, impeding or threatening any person; or
(d) intimidating any person; or
(e) harassing any person; or
(f) advising, persuading or informing, or attempting to advise, persuade, or inform any person concerning issues related to termination of pregnancy services or contraceptive services by any means, including, without limitation, graphic, physical, verbal or written means, prayer or counselling; or
(g) sketching, photographing, recording, storing, broadcasting, or transmitting images, audio, the likeness or personal data of any person without their express consent;
(h) placing or causing the placement of any material concerning issues related to the termination of pregnancy services or contraceptive services in any form, including, without limitation, posters, stickers, and broadcasting equipment.
- (3) A person guilty of a breach under subsections (1) or (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.
- (4) Nothing in subsections (1) or (2) of this section applies to anything done in the course of providing or facilitating the provision of termination of pregnancy services or contraceptive services at a designated premises.
- (5) Nothing in subsections (1) or (2) of this section applies to anything done in the course of industrial action within the meaning of the Industrial Relations Act 1990 or anything done by a registered Trade Union in the conduct of its business.
- (6) Nothing in subsection (2) of this section applies to the operation of a security camera covering all or part of the buffer zone area if the capture of persons accessing or attempting to access a designated premises is incidental and the product of such security camera is not used for the purposes prohibited under subsections (1) or (2) of this section.
- (7) Nothing in this section applies to a member of An Garda Síochána acting properly in the course of the member's duties.
- 4 Harassment related to provision of termination of pregnancy services**
- (1) A person (A) must not—
(a) repeatedly approach, accompany or follow another person (B), or a person (C) known to B;
(b) beset B or C;
(c) engage in threatening conduct directed at B or C; or
(d) encourage others to engage in conduct prohibited by paragraphs (a), (b), or (c) of this subsection.
for the purpose of influencing their decision to provide or facilitate the provision of termination of pregnancy services or contraceptive services, or in relation to their

providing or facilitating the provision of termination of pregnancy services or contraceptive services.

(2) A person must not repeatedly communicate, without consent and by any means, with a service provider for the purpose of dissuading them from providing, or facilitating the provision of, termination of pregnancy services or contraceptive services.

(3) For the purposes of this section, 'beset' means

(a) to continuously or repeatedly observe a designated premises, a service provider, or a healthcare professional who is involved or believed to be involved in the provision of termination of pregnancy services or contraceptive services, or a building in which any of them resides; or

(b) to importune a service provider or a healthcare professional who is involved or believed to be involved in the provision of termination of pregnancy services or contraceptive services.

(4) A person guilty of an offence shall be liable on the terms set out in section 10(6) of the Non-Fatal Offences Against the Person Act 1997.

Damages

(1) An actual or apprehended breach under sections 3 and/or 4 of this Act may be the subject of a claim in civil proceedings by the service provider or person who is or may be the victim of the course of conduct in question.

Short title and commencement.

(1) This Act shall come into force at the end of the period of four weeks beginning on the day which it is passed.

(2) This Act may be cited as the Safe Access to Termination of Pregnancy Services Act 2021.