

116TH CONGRESS  
2D SESSION

# H. R. 8251

To amend title 18, United States Code, to prohibit preventing access to lifesaving medical procedures and treatments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2020

Mrs. WAGNER introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit preventing access to lifesaving medical procedures and treatments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON PREVENTING ACCESS TO**  
4 **LIFESAVING MEDICAL PROCEDURES AND**  
5 **TREATMENTS.**

6 (a) IN GENERAL.—Chapter 65 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

1 **“§ 1370. Access to lifesaving medical procedures and**  
2 **treatments**

3 “(a) PROHIBITED ACTIVITIES.—Whoever, by force or  
4 threat of force or by physical obstruction, intentionally in-  
5 jures, intimidates or interferes with or attempts to injure,  
6 intimidate or interfere with any person because that per-  
7 son is or has been, or in order to intimidate such person  
8 or any other person or any class of persons from, obtain-  
9 ing or providing a lifesaving medical procedure or treat-  
10 ment, shall be subject to the penalties provided in sub-  
11 section (b) and the civil remedies provided in subsection  
12 (c), except that a parent or legal guardian of a minor shall  
13 not be subject to any penalties or civil remedies under this  
14 section for such activities insofar as they are directed ex-  
15 clusively at that minor.

16 “(b) PENALTIES.—Whoever violates this section  
17 shall—

18 “(1) in the case of a first offense, be fined in  
19 accordance with this title, or imprisoned not more  
20 than one year, or both; and

21 “(2) in the case of a second or subsequent of-  
22 fense after a prior conviction under this section, be  
23 fined in accordance with this title, or imprisoned not  
24 more than 3 years, or both;

25 except that for an offense involving exclusively a non-  
26 violent physical obstruction, the fine shall be not more

1 than \$10,000 and the length of imprisonment shall be not  
2 more than six months, or both, for the first offense; and  
3 the fine shall, notwithstanding section 3571, be not more  
4 than \$25,000 and the length of imprisonment shall be not  
5 more than 18 months, or both, for a subsequent offense;  
6 and except that if bodily injury results, the length of im-  
7 prisonment shall be not more than 10 years, and if death  
8 results, it shall be for any term of years or for life.

9 “(c) CIVIL REMEDIES.—

10 “(1) RIGHT OF ACTION.—

11 “(A) IN GENERAL.—Any person aggrieved  
12 by reason of the conduct prohibited by sub-  
13 section (a) may commence a civil action for the  
14 relief set forth in subparagraph (B), except that  
15 such an action may be brought under sub-  
16 section (a) only by a person involved in pro-  
17 viding or seeking to provide, or obtaining or  
18 seeking to obtain, a lifesaving medical proce-  
19 dure or treatment.

20 “(B) RELIEF.—In any action under sub-  
21 paragraph (A), the court may award appro-  
22 priate relief, including temporary, preliminary  
23 or permanent injunctive relief and compen-  
24 satory and punitive damages, as well as the  
25 costs of suit and reasonable fees for attorneys

1 and expert witnesses. With respect to compen-  
2 satory damages, the plaintiff may elect, at any  
3 time prior to the rendering of final judgment,  
4 to recover, in lieu of actual damages, an award  
5 of statutory damages in the amount of \$5,000  
6 per violation.

7 “(2) ACTION BY ATTORNEY GENERAL OF THE  
8 UNITED STATES.—

9 “(A) IN GENERAL.—If the Attorney Gen-  
10 eral of the United States has reasonable cause  
11 to believe that any person or group of persons  
12 is being, has been, or may be injured by con-  
13 duct constituting a violation of this section, the  
14 Attorney General may commence a civil action  
15 in any appropriate United States District  
16 Court.

17 “(B) RELIEF.—In any action under sub-  
18 paragraph (A), the court may award appro-  
19 priate relief, including temporary, preliminary  
20 or permanent injunctive relief, and compen-  
21 satory damages to persons aggrieved as de-  
22 scribed in paragraph (1)(B). The court, to vin-  
23 dicate the public interest, may also assess a  
24 civil penalty against each respondent—

1           “(i) in an amount not exceeding  
2           \$10,000 for a nonviolent physical obstruc-  
3           tion and \$15,000 for other first violations;  
4           and

5           “(ii) in an amount not exceeding  
6           \$15,000 for a nonviolent physical obstruc-  
7           tion and \$25,000 for any other subsequent  
8           violation.

9           “(3) ACTIONS BY STATE ATTORNEYS GEN-  
10          ERAL.—

11           “(A) IN GENERAL.—If the Attorney Gen-  
12           eral of a State has reasonable cause to believe  
13           that any person or group of persons is being,  
14           has been, or may be injured by conduct consti-  
15           tuting a violation of this section, such Attorney  
16           General may commence a civil action in the  
17           name of such State, as *parens patriae* on behalf  
18           of natural persons residing in such State, in  
19           any appropriate United States District Court.

20           “(B) RELIEF.—In any action under sub-  
21           paragraph (A), the court may award appro-  
22           priate relief, including temporary, preliminary  
23           or permanent injunctive relief, compensatory  
24           damages, and civil penalties as described in  
25           paragraph (2)(B).

1 “(d) RULES OF CONSTRUCTION.—Nothing in this  
2 section shall be construed—

3 “(1) to prohibit any expressive conduct (includ-  
4 ing peaceful picketing or other peaceful demonstra-  
5 tion) protected from legal prohibition by the First  
6 Amendment to the Constitution;

7 “(2) to create new remedies for interference  
8 with activities protected by the free speech or free  
9 exercise clauses of the First Amendment to the Con-  
10 stitution, regardless of the point of view expressed,  
11 or to limit any existing legal remedies for such inter-  
12 ference;

13 “(3) to provide exclusive criminal penalties or  
14 civil remedies with respect to the conduct prohibited  
15 by this section, or to preempt State or local laws  
16 that may provide such penalties or remedies; or

17 “(4) to interfere with the enforcement of State  
18 or local laws regulating lifesaving medical procedures  
19 or treatments.

20 “(e) DEFINITIONS.—As used in this section:

21 “(1) INTERFERE WITH.—The term ‘interfere  
22 with’ means to restrict a person’s freedom of move-  
23 ment.

1           “(2) INTIMIDATE.—The term ‘intimidate’  
2 means to place a person in reasonable apprehension  
3 of bodily harm to him- or herself or to another.

4           “(3) PHYSICAL OBSTRUCTION.—The term  
5 ‘physical obstruction’ means rendering impassable  
6 ingress to or egress from a facility that provides life-  
7 saving medical procedures or treatments, or ren-  
8 dering passage to or from such a facility unreason-  
9 ably difficult or hazardous.

10           “(4) STATE.—The term ‘State’ includes a State  
11 of the United States, the District of Columbia, and  
12 any commonwealth, territory, or possession of the  
13 United States.”.

14           (b) CLERICAL AMENDMENT.—The table of sections  
15 for such chapter is amended by adding at the end the fol-  
16 lowing:

“1370. Access to lifesaving medical procedures and treatments.”.

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