



San Diego City Attorney
Mara W. Elliott



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Access Measure from City Attorney Mara W. Elliott gets Unanimous Support at Council Committee

*Public Safety Committee approves first major changes to
access laws in almost 3 decades, protecting access to
health care clinics, schools, and places of worship*

Key provisions include:

- Expanded protections for patients seeking to access care.
- Requiring protestors who wish to engage with those seeking access to first receive consent.
- Extending civil remedies to providers.
- Prohibiting protestors from blocking entrances to schools and places of worship.

The City of San Diego has not updated its laws regarding access to health care facilities, places of worship, and school grounds since 1997. Since that time, the right to safely access these facilities has been impeded by those who use harassment and intimidation to thwart or prevent access. As a result, patients skip necessary healthcare, parents avoid attending events where they can engage with their child's school board, and those who wish to exercise religious freedoms avoid services. In response, City Attorney Mara W. Elliott brought forward significant changes to the San Diego Municipal Code, which would ensure the public's ability to exercise their rights without being harassed and intimidated. The measure passed the San Diego City Council Public Safety Committee unanimously this afternoon.

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“More and more, the places people go to exercise their rights to access reproductive care, gender-affirming care, education, or to worship have become places of harassment and intimidation,” said City Attorney Elliott. **“No one should feel afraid to see their doctor, learn, pray, or attend a school meeting. These are fundamental parts of our civil society.”**

Public Safety Committee Chair Marni von Wilpert said the new legislation strikes the right balance by ensuring everyone has an equal opportunity to exercise their rights. Diverse leaders from the public school system, Planned Parenthood, and the LGBTQIA communities also testified strongly in support of the measure.

“Given the legal and rhetorical attacks on reproductive health care, and the increase in harassment at our clinics, schools, and places of worship, it is imperative that we act to maintain access to these vital facilities.” said Chair von Wilpert. “I am thankful for City Attorney Elliott's efforts to improve public safety while maintaining protections for First Amendment rights in the City of San Diego.”

In her testimony before the Committee, Elliott outlined 3 major areas where existing San Diego city laws require reform:

1. They impose an unreasonable burden on the person seeking access to health care, education, and religious services. Under existing law, the person exercising these rights must actively request that the person or persons seeking to harass or intimidate them step away. The proposed updates would shift that burden. Harassing and intimidating behavior would be prohibited.
2. Current laws also fail to adequately protect employees, patients, students, parents, and worshippers from the safety risks presented by demonstrators who harass or intimidate individuals seeking access to covered facilities. Today’s proposal would extend protections to entrances, exits, parking lots, and driveways in the interest of public safety.

3. Current laws allow only individuals to seek relief in court. This private right of action would now extend to health care facilities, places of worship, and schools or school districts. This will allow San Diegans to respond to harassment and intimidation as a community rather than placing the burden on individuals.

City Attorney Elliott highlighted the contributions of Senior Chief Deputy City Attorney Heather Ferbert and Deputy City Attorney Julie Rau, who represent the City Attorney on Attorney General Rob Bonta’s statewide reproductive rights task force. These attorneys performed extensive research to craft legislation that upholds the rights of everyone impacted by the proposed amendments.

Ferbert said recent changes in the legal landscape make this the appropriate time to update the Municipal Code.

“San Diego is really behind the times when it comes to providing the protections that the Supreme Court has repeatedly upheld, including a buffer zone and increased recognition of patients’ personal space,” said Ferbert. “These principles have been protected for nearly 25 years, and it is time to now strengthen these protections for everyone trying to access health care, educational services, and who want to exercise religion here in San Diego.”

Chair von Wilpert thanked her Committee colleagues for providing unanimous backing for the measure and she promised to seek speedy approval by the full Council.

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