B I L L

No. 608

An Act to Provide Safe Access to Abortion Services

(Assented to)

PREAMBLE

WHEREAS Saskatchewan people have a right to access the full spectrum of reproductive health options, including abortions, without being harassed or intimidated; and

WHEREAS healthcare staff providing care or advice to Saskatchewan people related to reproductive health options should not be subjected to threats or harassment from those who seek to reduce access to abortion services.

NOW THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 *The Protecting a Woman's Right to Access Abortion Services Act.*

Safe Access to Abortion Services

INTERPRETATION

Interpretation

2 In this Part:

"abortion services" means lawful services provided for the termination of pregnancy including prescribing, dispensing or administering a drug to terminate pregnancy;

"clinic" means a place, other than a place in a hospital:

(a) that is a place where abortion services are primarily provided;

(b) the office of a duly qualified medical practitioner who provides abortion services;

(c) that is a place where a person seeks advice related to abortion services;

"facility" means:

(a) a place, other than a clinic, where abortion services are provided including, for greater certainty, a hospital, health centre or pharmacy where abortion services are provided; or

(b) the office of a person who is a protected service provider within the meaning of clause (b) of the definition of "protected service provider";

"minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

"ministry" means the ministry over which the minister presides;

"prescribed" means prescribed by the regulations made pursuant to this Act;

"property", in relation to a clinic, facility or residence, means:

(a) property within the meaning of *The Land Titles Act ,* 2000 if that Act applies to the land where the clinic, facility or residence is located and clause (c) does not apply;

(b) property within the meaning of *The Business Corporations Act* if that Act applies to the land where the clinic, facility or residence is located and clause (c) does not apply;

(c) property within the meaning of *The Condominium Property Act,* 1993 or as prescribed for the purposes of this clause, if that Act governs the land where the clinic, facility or residence is located as described in that Act; or

(d) property, as prescribed for the purposes of this clause, if none of clauses (a), (b) or (c) apply;

"protected service provider" means:

(a) a person who works at a clinic;

(b) a person who provides, or assists in the provision of, abortion services and who is:

(i) a member of the College of Physicians and Surgeons of Saskatchewan;

(ii) a member of the Saskatcheawn Registered Nurses' Association;

(iii) a member of the Saskatchewan College of Pharmacy Professionals who holds a certificate of registration as a pharmacist; or

(iv) a regulated health professional prescribed for the purpose of this Act.

PROHIBITIONS

Prohibitions in access zones for clinics or facilities

3(1) While in an access zone established in section 6 for a clinic or facility, no person shall:

(a) advise or persuade, or attempt to advise or persuade, a person to refrain from accessing abortion services;

(b) inform or attempt to inform a person concerning issues related to abortion services, by any means, including oral, written or graphic means;

(c) perform or attempt to perform an act of disapproval concerning issues related to abortion services, by any means, including oral, written or graphic means;

(d) persistently request that:

(i) a person refrain from accessing abortion services; or

(ii) a protected service provider refrain from providing, or assisting in the provision of, abortion services;

(e) for the purpose of dissuading a person from accessing abortion services:

(i) continuously or repeatedly observe the clinic or facility or persons entering or leaving the clinic or facility;

(ii) physically interfere with or attempt to physically interfere with the person;

(iii) intimidate or attempt to intimidate the person; or

(iv) photograph, film, videotape, sketch or in any other way graphically record the person;

(f) for the purpose of dissuading a protected service provider from providing, or assisting in the provision of, abortion services:

(i) continuously or repeatedly observe the clinic or facility or persons entering or leaving the clinic or facility;

(ii) physically interfere with or attempt to physically interfere with the provider;

(iii) intimidate or attempt to intimidate the provider; or

(iv) photograph, film, videotape, sketch or in any other way graphically record the provider; or

(g) do anything prescribed for the purpose of this section.

(2) Clauses (1) (a), (b), (c) and (d) do not apply:

(a) to anything done in the course of a person's work at the clinic or facility; or

(b) to anything occurring between a person accessing, or attempting to access, abortion services and someone who is accompanying the person with the person's consent.

Prohibitions in access zones for residences

4 While in an access zone established in section 7 for the residence of a protected service provider, no person shall:

(a) perform or attempt to perform an act of disapproval, directed at or about the provider, concerning issues related to abortion services, by any means, including oral, written or graphic means;

(b) persistently request that the provider refrain from providing, or assisting in the provision of, abortion services; or

(c) for the purpose of dissuading the provider from providing, or assisting in the provision of, abortion services:

(i) continuously or repeatedly observe the residence;

(ii) physically interfere with or attempt to physically interfere with the provider or a member of the provider's household;

(iii) intimidate or attempt to intimidate the provider or a member of the provider's household; or

(iv) photograph, film, videotape, sketch or in any other way graphically record the provider or a member of the provider's household.

Harassment of providers

5(1) No person shall, for the purpose of dissuading a protected service provider from providing, or assisting in the provision of, abortion services:

(a) repeatedly approach, accompany or follow the provider or a person known to the provider;

(b) continuously or repeatedly observe the provider;

(c) persistently request that the provider refrain from providing, or assisting in the provision of, abortion services; or

(d) engage in threatening conduct directed at the provider or a person known to the provider.

(2) No person shall repeatedly communicate by telephone, fax or electronic means with a protected service provider or a person known to the provider, for the purpose of dissuading the provider from continuing to provide, or assist in the provision of, abortion services, after the person being communicated with has requested that such communications cease.

ACCESS ZONES

Access zones for clinics and facilities

6(1) An access zone is established:

(a) for each clinic; and

(b) for each facility prescribed for the purpose of this section.

(2) The access zone for a clinic consists of:

(a) the property on which the clinic is located and the area within 50 metres, or such other prescribed distance not exceeding 150 metres, from the boundaries of the property; or

(b) such area with different boundaries, as may be prescribed for the purpose of this section.

(3) The access zone for a facility consists of:

(a) the property on which the facility is located and the area within the prescribed distance, not exceeding 150 metres, from the boundaries of the property; or

(b) such area with different boundaries, as may be prescribed for the purpose of this section.

(4) No part of an area prescribed for the purpose of clause (2)(b) or (3)(b) may be further than 150 metres from the closest boundary of the property on which the clinic or facility is located.

(5) The access zone for a clinic or facility does not include real property that one or more persons has the exclusive right to use or occupy if none of those persons is the occupier of the clinic or facility.

(6) A regulation prescribing a facility for the purpose of clause (1)(b) or prescribing anything in relation to a clinic or facility for the purpose of subsection (2) or (3) may be made only if the occupier of the clinic or facility:

(a) has requested the regulation; or

(b) has been given notice of the intention to make the regulation and a reasonable opportunity to make written submissions before the regulation is made.

(7) Subsection (6) does not apply to:

(a) a regulation that revokes anything prescribed for the purpose of subsection (2) in relation to a clinic that ceases to be a clinic; or

(b) a regulation that revokes the prescription of a facility for the purpose of clause (1)(b) or that revokes anything prescribed for the purpose of subsection (3) in relation to a facility that ceases to be prescribed for the purpose of clause (1)(b).

Access zones for residences

7(1) An access zone is established for the residence of each protected service provider.

(2) The access zone for a residence consists of the property on which the residence is located and the area within 150 metres, or such other prescribed lesser distance, from the boundaries of the property.

(3) The access zone for a residence of a protected service provider does not include real property that one or more persons has the exclusive right to use or occupy if none of those persons is the provider or a member of the provider's household.

ENFORCEMENT

Offences

8 A person who contravenes any prohibition in subsection 3(1) or section 4 or 5 is guilty of an offence and, on conviction, is liable:

(a) in the case of a first offence of this Act, to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both;

(b) in the case of a second or subsequent offence of this Act, to a fine of not less than $1,000 and not more than $10,000 or to imprisonment for a term of not more than one year, or to both.

Limit on conviction - knowledge or notice of zone

9 A person may not be convicted of an offence for contravening subsection 3(1) or section 4 unless the person knew or, at any time before the contravention, was given notice of, the location of the relevant access zone.

Damages

10 A person who suffers loss as a result of a contravention of subsection 3(1) or section 4 or 5 by another person has a right of action for damages against that person.

Injunction

11 On application by a person, including the Minister of Justice, the Court of Queen's Bench may grant an injunction to restrain a person from contravening subsection 3(1) or section 4 or 5.

Arrest without warrant

12 A police officer may arrest without warrant a person the police officer believes on reasonable and probable grounds, has committed or is committing, an offence of this Act.

REGULATIONS

Regulations

13 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing anything that may be prescribed for the purposes of this Act;

(c) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;

(d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Act Prevails

14(1) Notwithstanding any other Act, law or enactment, if there is a conflict with any other Act or law, this Act prevails in order to attain the intention of this Act.

(2) For greater certainty, every statute of Saskatchewan must be interpreted in order to attain the objects and purposes of this Act.

Coming into force

15 This Act comes into force on proclamation.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 608

An Act to Provide Safe Access to Abortion Services

Received and read the

First time

Second time

Third time

And Passed

Ms Jennifer Bowes

REGINA SASKATCHEWAN
Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2021