

This Act is current to January 28, 2025

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

ACCESS TO ABORTION SERVICES ACT

[RSBC 1996] CHAPTER 1

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Preamble

WHEREAS all people in British Columbia are entitled to access to health care, including abortion services;

AND WHEREAS all people who use the British Columbia health care system, and who provide services for it, should be treated with courtesy and with respect for their dignity and privacy;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

"abortion services" means lawful medical services provided for the termination of pregnancy;

"access zone" means an access zone established under section 5, 6 or 7;

"beset" means

- (a) to continuously or repeatedly observe a service provider, doctor who provides abortion services or patient or a building in which any of them resides or in which abortion services are provided, or
- (b) to place oneself close to, and to importune, a service provider, doctor who provides abortion services or patient

for the purpose of dissuading the service provider or doctor from providing, or the patient from using, abortion services;

"doctor" means a member of the College of Physicians and Surgeons of British Columbia;

"facility" means a hospital, clinic or doctor's office in which abortion services are provided;

"parcel" means

- (a) land shown in a strata plan deposited in a land title office, or
- (b) land within the boundaries of a lot, block or other area into which land is subdivided that is shown on a plan deposited in a land title office, other than a strata plan;

"patient" means a person who is in an access zone in the course of using abortion services, and includes any other person, other than a service provider or doctor who provides abortion services, accompanying them for the purpose of giving them emotional support;

"protest" includes any act of disapproval or attempted act of disapproval, with respect to issues related to abortion services, by any means, including, without limitation, graphic, verbal or written means;

"residence" means the usual place where a person makes their home;

"service provider" means a person, other than a doctor, who provides, or facilitates the provision of, abortion services;

"sidewalk interference" means

- (a) advising or persuading, or attempting to advise or persuade, a person to refrain from making use of abortion services, or
- (b) informing or attempting to inform a person concerning issues related to abortion services

by any means, including, without limitation, graphic, verbal or written means.

Activities restricted in an access zone

2 (1) While in an access zone, a person must not do any of the following:

- (a) engage in sidewalk interference;

- (b) protest;
 - (c) beset;
 - (d) physically interfere with or attempt to interfere with a service provider, a doctor who provides abortion services or a patient;
 - (e) intimidate or attempt to intimidate a service provider, a doctor who provides abortion services or a patient.
- (2) Despite this section a provincial constable or municipal constable, as defined in section 1 of the *Police Act*, may, in an access zone, carry out their duties as a provincial constable or municipal constable.
- (3) In a prosecution under subsection (1) (a), it is a defence if the defendant establishes that they were acting as
- (a) a service provider,
 - (b) a doctor who provides abortion services, or
 - (c) a patient.

No graphic recording in an access zone

- 3** A person must not photograph, film, videotape, sketch or in any other way graphically record a service provider, doctor who provides abortion services or patient while the service provider, doctor or patient is in an access zone, for the purpose of dissuading that person from providing, facilitating the provision of or using abortion services.

No harassment

- 4** (1) A person must not do any of the following for the purpose of dissuading another person from providing or facilitating the provision of abortion services:
- (a) repeatedly approach, accompany or follow the other person, or a person known to the other person;
 - (b) beset;
 - (c) engage in threatening conduct directed at the other person or a person known to the other person.
- (2) A person must not repeatedly communicate by telephone, facsimile or electronic means with another person without their consent for the purpose of dissuading a service provider or doctor who provides abortion services from beginning or continuing to provide, or to facilitate the provision of, abortion services.

Access zones — facilities

- 5** (1) For the purpose of facilitating access to abortion services, the Lieutenant Governor in Council may establish, by regulation, an access zone for a specific facility.

- (2) An access zone established under subsection (1) includes the parcel on which the facility is located and a prescribed area that extends out a distance not exceeding 50 m from the boundaries of the parcel on which the facility is located.
- (3) An access zone established under subsection (1) does not include
 - (a) if the facility is on a parcel of land shown on a strata plan, a strata lot other than the one on which the facility is located,
 - (b) if the facility is on a parcel of land not shown on a strata plan, any part of the parcel that a person other than the operator of the facility has an exclusive right to use or occupy, and
 - (c) private property outside the parcel on which the facility is located, other than private property that the operator of the facility has an exclusive right to use or occupy.
- (4) A regulation made under subsection (1) may establish access zones with different dimensions for different facilities.

Access zones — residences of doctors and service providers

- 6 (1) An access zone is established for the residence of every doctor who provides abortion services.
- (2) For the purposes of facilitating the continued availability of service providers to provide, or facilitate the provision of, abortion services, the Lieutenant Governor in Council may establish, by regulation, an access zone for the residences of a class of service providers, or the residence of a specific service provider.
- (3) An access zone established under subsection (1) or (2) includes the parcel on which the residence is located and an area that extends out 160 m from the boundaries of the parcel on which the residence is located.
- (4) An access zone established under subsection (1) or (2) does not include
 - (a) if the residence is on a parcel of land shown on a strata plan, a strata lot other than the one on which the residence is located,
 - (b) if the residence is on a parcel of land not shown on a strata plan, any part of the parcel that a person other than the service provider or doctor who provides abortion services has an exclusive right to use or occupy, and
 - (c) private property outside the parcel on which the residence is located, other than private property that the service provider or doctor who provides abortion services has an exclusive right to use or occupy.

Access zones — doctors' offices

- 7 (1) An access zone is established for the office of every doctor who provides abortion services.

- (2) An access zone established under subsection (1) includes the parcel on which the office is located and an area that extends out 10 m from the boundaries of the parcel on which the office is located.
- (3) An access zone established under subsection (1) does not include
 - (a) if the office is on a parcel of land shown on a strata plan, a strata lot other than the one on which the office is located,
 - (b) if the office is on a parcel of land not shown on a strata plan, any part of the parcel that a person other than the doctor who provides abortion services has an exclusive right to use or occupy, and
 - (c) private property outside the parcel on which the office is located, other than private property that the doctor who provides abortion services has an exclusive right to use or occupy.
- (4) The Lieutenant Governor in Council may vary, by regulation, the 10 m distance referred to in subsection (2) for a specific building, up to a maximum of 20 m.
- (5) A regulation made under subsection (4) may provide different variances for different buildings.

Notice

- 8** A person may not be convicted of contravening section 2 (1) or 3 in an access zone established in section 6 or 7 unless the person knew or, at any time before the contravention, was given notice of, the location of the access zone.

Damages can be recovered for contravention

- 9** A person who suffers loss as a result of the contravention of this Act by another person may recover damages from the other person for the loss.

Injunction

- 10** (1) On application by a person, including the Attorney General, the Supreme Court may grant an injunction to restrain a person from contravening a provision of this Act.
- (2) A contravention may be restrained under subsection (1) whether or not a penalty or other remedy is provided by this Act.

Arrest

- 11** A provincial constable or municipal constable, as defined in section 1 of the [Police Act](#), may arrest, without a warrant, a person whom the constable believes on reasonable and probable grounds has committed or is committing an offence under this Act.

Orders regarding persons arrested

- 12** (1) If a person is brought before a justice after being arrested, with or without a warrant, for an offence under this Act, the justice may order that the person be

- (a) released on an undertaking,
 - (b) released on recognizance with or without sureties, or
 - (c) detained in custody.
- (2) A justice may require as a condition of an order under subsection (1) that the defendant do one or more of the following, as specified in the order:
- (a) report as directed in the order to a person designated by the justice;
 - (b) keep the peace and be of good behaviour;
 - (c) not enter an access zone;
 - (d) appear before the justice when required to do so by the justice;
 - (e) comply with any other reasonable conditions the justice considers appropriate.

Plan

- 13** (1) A plan prepared by a British Columbia land surveyor showing the location of an access zone is, without proof of the signature or official character of the surveyor, evidence of the information set out in the plan, including, without limitation, information
- (a) required by the regulations to be set out in the plan,
 - (b) referred to in the surveyor's certification under subsection (3),
 - (c) respecting a measurement, or
 - (d) respecting a boundary, survey marker, building, doorway, hallway, stairway, elevator, sidewalk, road, fence, utility pole, tree or any other human made or natural feature related to
 - (i) the access zone,
 - (ii) the parcel to which the access zone relates or an adjacent parcel, or
 - (iii) an area in or near the access zone that is not part of the access zone.
- (2) The location of a feature referred to in subsection (1) (d) shown on a plan produced in a prosecution of an offence under this Act is presumed, in the absence of evidence to the contrary, to be the location of that feature at the time the offence was committed.
- (3) A plan under subsection (1) must include the surveyor's certification that
- (a) the surveyor is a British Columbia land surveyor,
 - (b) the surveyor was present at and personally conducted or supervised the survey represented by the plan, and
 - (c) the survey and plan are correct and meet any requirements prescribed by regulation under this Act.

- (4) With leave of a court, a defendant against whom a plan is produced may require, for the purposes of cross examination, the attendance of the land surveyor who prepared the plan.
- (5) A plan under subsection (1) must not be received in evidence unless, before the trial, the defendant has received reasonable notice that the plan will be introduced and has received a copy of the plan.

Offences and sentencing

- 14** (1) In this section, "**justice**" includes the court before which an appeal is heard in respect of a conviction or an order made under this Act.
- (2) A person commits an offence who
 - (a) contravenes section 2 (1), 3 or 4, or
 - (b) breaches a probation order made under subsection (7) of this section.
 - (3) A person is liable on a first conviction for any offence under subsection (2) (a) to a fine of not more than \$5 000, or to imprisonment for not more than 6 months, or to both.
 - (4) A person is liable, on a second or subsequent conviction for any offence under subsection (2) (a), to
 - (a) a fine of not less than \$1 000 and not more than \$10 000, or
 - (b) both a fine under paragraph (a) and imprisonment for not more than one year.
 - (5) A person who is convicted of an offence under subsection (2) (b) is liable to a fine of not more than \$2 000, or to imprisonment for not more than 6 months, or to both.
 - (6) If a justice makes a probation order under section 89 (a) of the *Offence Act* in respect of a defendant convicted of a first offence under this Act, the justice, in addition to or in place of the conditions set out in section 89.2 of the *Offence Act*, may order that the defendant must not enter an access zone.
 - (7) In addition to fining a defendant convicted of an offence under this Act or sentencing the defendant to imprisonment, the justice, having regard to the age and character of the defendant, the nature of the offence and the circumstances surrounding its commission, may direct that the defendant be placed on probation, with or without sureties, and comply with the conditions in a probation order.
 - (8) A probation order under subsection (7) may be kept in force for a period not exceeding 2 years.
 - (9) The following conditions are deemed to be set out in a probation order under subsection (7):
 - (a) that the defendant must keep the peace and be of good behaviour;

(b) that the defendant must appear before the justice when required to do so by the justice.

(10) A justice may require as a condition of a probation order under subsection (7) that the defendant do one or more of the following as specified in the order:

- (a) report to and be under the supervision of a probation officer or other person designated by the justice;
- (b) refrain from entering an access zone;
- (c) make restitution or reparation for any loss suffered as a result of the commission of the offence;
- (d) comply with any reasonable condition the justice considers appropriate for securing the good conduct of the defendant and for preventing a repetition by the defendant of the same offence or the commission of other offences.

(11) Section 5 of the [Offence Act](#) does not apply to this Act or the regulations.

Power to make regulations

15 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the [Interpretation Act](#).

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make the following regulations:

- (a) regulations referred to in sections 5 to 7;
- (b) respecting the form of
 - (i) an undertaking or a recognizance for the purposes of section 12, and
 - (ii) a probation order for the purposes of section 14 (7);
- (c) respecting the manner of making surveys and plans under section 13, including, without limitation, information that must be included in a plan and the form of the plan.

(3) In making a regulation under this Act, the Lieutenant Governor in Council may delegate a matter to a person and confer a discretionary power on a person.

Application

16 This Act is subject to the [Labour Relations Code](#).