



Written by [Raven Clabough](#) on October 14, 2021

## Pro-life Group Sues CA Over New Law Prohibiting “Harassment” at “Vaccination Sites”

Alliance Defending Freedom is representing Right to Life of Central California in a federal lawsuit against the state of California over efforts to restrict constitutionally protected speech by creating 100-foot censorship zones outside of any facility that provides vaccines.

California’s SB 742 bans free-speech activities when a speaker is within 30 feet of another person and that person is “in a public way or on a sidewalk area” and “within 100 feet of the entrance or exit of a vaccination site and is seeking to enter or exit a vaccination site,” [Life News reported](#).

The measure defines “harassment” as getting within 30 feet of a patient who is within 100 feet of an entrance to a vaccine site and defines a “vaccination site” as any place “where vaccination services are provided.” The law went into immediate effect on October 8 after being signed by Governor Gavin Newsom.

According to Right to Life, this prohibition means that the group cannot offer charitable services to women in need directly outside of the group’s own building because the Right to Life Outreach Center in Fresno is situated next to a Planned Parenthood abortion clinic that administers the HPV vaccine. Right to Life and the abortion clinic have adjacent parking lots, meaning Right to Life would be restricted from pro-life speech even in its own parking lot.

“Our compassionate and competent staff and volunteers shine a bright light in this community through their loving care and support for women who are facing an incredibly difficult time in their lives,” said Right to Life of Central California Executive Director John Gerardi. “Through this new state law, the government is silencing our voice from the public square. We will continue advocating for California’s most vulnerable persons — the unborn — and caring for and supporting their mothers.”

Ironically, given California’s radical pro-abortion position, the bill was not written to shield women who are obtaining abortions from pro-life activism, but rather to stifle opposition against vaccinations, namely the COVID-19 vaccines.

“Our biggest concern is when children are getting vaccinated,” said Catherine Flores Martin, executive director of the California Immunization Coalition. “Some of these people feel like they need to protest, and that’s scary and extremely inappropriate.”

The measure, according to the *Los Angeles Times*, was introduced by State Senator Richard Pan (D-



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Sacramento), chair of the Senate Health Committee, after protesters shut down a mass vaccination site at Dodger Stadium in January. As noted by the *Times*, Pan has been unpopular with medical-freedom advocates and anti-vax groups as he was instrumental in eliminating personal-belief exemptions so that parents could not refuse vaccinations for their children. Pan was also behind a 2019 California law making it harder for parents to obtain medical exemptions for their children by giving health officials final say on medical waivers with the authority to reject them.

SB 742 has drawn criticism from First Amendment scholars, the *Times* reports, particularly when the measure initially restricted speech only “in connection with vaccination services.” Eugene Volokh, First Amendment professor at the UCLA School of Law, said speech restrictions are required to be “content-neutral” and applied equally.

But while lawmakers removed the phraseology referring specifically to vaccination services, they added wording to exempt “lawful picketing rising out of a labor dispute,” creating “another unconstitutional form of content discrimination,” Volokh observed.

Other free-speech experts contend the measure defines harassment too broadly and creates a significantly larger buffer zone than those allowed by the U.S. Supreme Court in the past.

“It sweeps up broad activities that are protected by the 1st Amendment and defines them as harassing,” said David Snyder, executive director of the First Amendment Coalition, which advocates for free speech and government transparency. “That problem hasn’t changed at all.”

In 2000, the U.S. Supreme Court upheld a Colorado law that created an eight-foot “bubble zone” around a person entering or exiting an abortion clinic, but struck down a Massachusetts law in 2014 that created a significantly larger, 35-foot buffer.

Erwin Chemerinsky, dean of the UC Berkeley School of Law and First Amendment expert, though he supports the idea of preventing people from being “harassed” on their way to be vaccinated, does not believe the measure as it is written has provided sufficient justification for limiting free speech.

“I would expect if this gets adopted, it will get challenged,” Chemerinsky said.

Violators of SB 742 risk fines of up to \$1,000, up to six months in county jail, or both.



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