

TAZ 2.3.23 Comments on (Draft No. 1.5 – H.89) 2/2/2023 - MRC – 3:37 PM

COMMENT 1:

Page 8, Lines 14-16

Current draft:

§ 7304(b), Testimony and Documents

Any aggrieved person, provider, payer, or other entity, including any defendant in abusive litigation, may move to modify or quash any subpoena issued in connection with such abusive litigation on the grounds that the subpoena is inconsistent with the public policy of this State or contrary to court rule.

Suggested change:

Any aggrieved person, provider, payer, or other entity, including any defendant in abusive litigation, may move to modify or quash any subpoena issued in connection with such abusive litigation **on any grounds provided by court rule, statute, or on the grounds that the subpoena is inconsistent with the public policy of this State.**

COMMENT 2:

Pages 11-2, Lines 18-5

§ 1033, INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITY

Current draft:

(e) Nothing in this section shall be construed to:

(1) prohibit any expressive conduct, including peaceful picketing or other peaceful demonstration, protected from legal prohibition by the First Amendment to the U.S. Constitution; or

(2) create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the U.S. Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference.

Potential change:

(e) Nothing in this section shall be construed to:

(1) prohibit **any constitutionally protected activity;** or

(2) create new remedies for interference **with constitutionally protected activity,** occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference.