

Introduced by Senator CorteseFebruary 15, 2023

An act to add Section 6401.9 to the Labor Code, relating to occupational safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 553, as introduced, Cortese. Occupational safety: workplace violence.

Existing law, the California Occupational Safety and Health Act of 1973, imposes safety responsibilities on employers and employees, including the requirement that an employer establish, implement, and maintain an effective injury prevention program, and makes specified violations of these provisions a crime. The act is enforced by the Division of Occupational Safety and Health within the Department of Industrial Relations, including the enforcement of standards adopted by the Occupational Safety and Health Standards Board. The act requires the standards board to adopt standards developed by the division that require specified types of hospitals to adopt a workplace violence prevention plan as a part of the hospital's injury and illness prevention plan to protect health care workers and other facility personnel from aggressive and violent behavior, as prescribed (hospital standards).

This bill would require the division, by an unspecified date, to adopt standards that require an employer that is not subject to the hospital standards to adopt a workplace violence prevention plan as a part of the employer's injury and illness prevention plan to protect employees from aggressive and violent behavior, as prescribed. The bill would require the standards adopted by the division to be consistent with the hospital standards, except as the division determines to be necessary to apply to the employers covered under the new standards.

Because this bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6401.9 is added to the Labor Code, to
2 read:

3 6401.9. (a) Notwithstanding Section 142.3, the division, no
4 later than _____, shall adopt standards that require an employer,
5 except as subject to standards adopted pursuant to Section 6401.8,
6 to adopt a workplace violence prevention plan as a part of its injury
7 and illness prevention plan to protect employees from aggressive
8 and violent behavior.

9 (b) The standards adopted pursuant to subdivision (a) shall be
10 consistent with those required to be adopted pursuant to Section
11 6401.8, except as the division determines to be necessary to apply
12 to the employers described in subdivision (a).

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.