

AMENDED IN SENATE JULY 3, 2024
AMENDED IN SENATE JUNE 27, 2024
AMENDED IN ASSEMBLY APRIL 2, 2024
AMENDED IN ASSEMBLY MARCH 21, 2024
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2975

Introduced by Assembly Member Gipson

February 16, 2024

An act to amend Section 6401.8 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2975, as amended, Gipson. Occupational safety and health standards: workplace violence prevention plan: hospitals.

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. Existing law also requires the Occupational Safety and Health Standards Board to adopt standards developed by the Division of Occupational Safety and Health that require specified types of hospitals to adopt a workplace violence prevention plan as part of the hospital's injury and illness prevention plan to protect health care workers and other facility personnel from aggressive and violent behavior.

This bill would require the standards board, by March 1, 2025, to amend the standards to include a requirement that a hospital implement

a weapons detection screening policy that requires the use of weapons detection devices at specific entrances of the hospital, a requirement that a hospital assign appropriate personnel who meet specified training standards, a requirement that a hospital have reasonable protocols for alternative search and screening for patients, family, or visitors who refuse to undergo weapons detection device screening, and a requirement that a hospital adopt reasonable protocols for storage or confiscation, and return, of patient, family, or visitor property that might be used as a weapon.

Among other provisions, the bill would require that the standards include a requirement that a hospital post, in a conspicuous location, within reasonable proximity of any public entrances where weapons detection devices are utilized, a notice adopted by the standards board, notifying the public that the hospital conducts screenings for weapons upon entry but that no person shall be refused medical care, pursuant to specified federal law.

By expanding the scope of an existing crime, this 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 6401.8 of the Labor Code is amended to
- 2 read:
- 3 6401.8. (a) The standards board, no later than July 1, 2016,
- 4 shall adopt standards developed by the division that require a
- 5 hospital licensed pursuant to subdivision (a), (b), or (f) of Section
- 6 1250 of the Health and Safety Code, except as exempted by
- 7 subdivision (e), to adopt a workplace violence prevention plan as
- 8 a part of its injury and illness prevention plan to protect health care
- 9 workers and other facility personnel from aggressive and violent
- 10 behavior.
- 11 (b) The standards adopted pursuant to subdivision (a) shall
- 12 include all of the following:

- 1 (1) A requirement that the workplace violence prevention plan
2 be in effect at all times in all patient care units, including inpatient
3 and outpatient settings and clinics on the hospital's license.
- 4 (2) A definition of workplace violence that includes, but is not
5 limited to, both of the following:
- 6 (A) The use of physical force against a hospital employee by a
7 patient or a person accompanying a patient that results in, or has
8 a high likelihood of resulting in, injury, psychological trauma, or
9 stress, regardless of whether the employee sustains an injury.
- 10 (B) An incident involving the use of a firearm or other dangerous
11 weapon, regardless of whether the employee sustains an injury.
- 12 (3) A requirement that a workplace violence prevention plan
13 include, but not be limited to, all of the following:
- 14 (A) Personnel education and training policies that require all
15 health care workers who provide direct care to patients to, at least
16 annually, receive education and training that is designed to provide
17 an opportunity for interactive questions and answers with a person
18 knowledgeable about the workplace violence prevention plan. The
19 education and training shall cover topics that include, but are not
20 limited to, the following topics:
- 21 (i) How to recognize potential for violence, and when and how
22 to seek assistance to prevent or respond to violence.
- 23 (ii) How to report violent incidents to law enforcement.
- 24 (iii) Any resources available to employees for coping with
25 incidents of violence, including, but not limited to, critical incident
26 stress debriefing or employee assistance programs.
- 27 (B) A system for responding to, and investigating violent
28 incidents and situations involving violence or the risk of violence.
- 29 (C) A system to, at least annually, assess and improve upon
30 factors that may contribute to, or help prevent workplace violence,
31 including, but not limited to, the following factors:
- 32 (i) Staffing, including staffing patterns and patient classification
33 systems that contribute to, or are insufficient to address, the risk
34 of violence.
- 35 (ii) Sufficiency of security systems, including alarms, emergency
36 response, and security personnel availability.
- 37 (iii) Job design, equipment, and facilities.
- 38 (iv) Security risks associated with specific units, areas of the
39 facility with uncontrolled access, late-night or early morning shifts,

1 and employee security in areas surrounding the facility such as
2 employee parking areas.

3 (4) A requirement that all workplace violence prevention plans
4 be developed in conjunction with affected employees, including
5 their recognized collective bargaining agents, if any.

6 (5) A requirement that all temporary personnel be oriented to
7 the workplace violence prevention plan.

8 (6) Provisions prohibiting hospitals from disallowing an
9 employee from, or taking punitive or retaliatory action against an
10 employee for, seeking assistance and intervention from local
11 emergency services or law enforcement when a violent incident
12 occurs.

13 (7) A requirement that hospitals document, and retain for a
14 period of five years, a written record of any violent incident against
15 a hospital employee, regardless of whether the employee sustains
16 an injury, and regardless of whether the report is made by the
17 employee who is the subject of the violent incident or any other
18 employee.

19 (8) A requirement that a hospital report violent incidents to the
20 division. If the incident results in injury, involves the use of a
21 firearm or other dangerous weapon, or presents an urgent or
22 emergent threat to the welfare, health, or safety of hospital
23 personnel, the hospital shall report the incident to the division
24 within 24 hours. All other incidents of violence shall be reported
25 to the division within 72 hours.

26 (c) The standards board shall, by March 1, 2025, amend the
27 standards adopted pursuant to subdivision (a) to include all of the
28 following:

29 (1) (A) A requirement that a hospital implement a weapons
30 detection screening policy that requires the use of weapons
31 detection devices, as described in clause ~~(ii)~~; (iii), at the hospital's
32 main public entrance, at the entrance to the hospital's emergency
33 department, and at the hospital's labor and delivery entrance if
34 separately accessible to the public.

35 (i) For purposes of this paragraph, a weapons detection screening
36 policy shall include security mechanisms, devices, or technology
37 designed to screen and identify instruments capable of inflicting
38 death or serious bodily injury. ~~The~~

39 (ii) *The* use of handheld metal detector wands, while they may
40 be used in connection with other weapons detection devices, may

1 not be the sole equipment used. *This clause does not apply to small*
2 *and rural hospitals.*

3 (ii)

4 (iii) The standards board shall define the list of applicable
5 security mechanisms, devices, or technologies that meet the
6 standard in clause (i).

7 (B) The requirement described in this paragraph may not apply
8 to the ambulance entrance.

9 (2) (A) A requirement that a hospital assign appropriate
10 personnel, other than a health care provider, who meet training
11 standards described in subparagraph (C), to implement the weapon
12 detection screening policy, including the monitoring and operation
13 of the weapons detection devices at each specified public entrance
14 at all times the entrance is open to the public.

15 (B) A “health care provider” includes any health care
16 professional licensed under Division 2 (commencing with Section
17 500) of the Business and Professions Code.

18 (C) A hospital shall implement training for personnel responsible
19 for implementing the weapons detection screening policy that
20 includes a minimum of eight hours of training on the hospital
21 policies and procedures on weapons confiscation and storage,
22 operations of weapons detection devices, patient deescalation, and
23 implicit bias.

24 (D) No one other than trained personnel who meets the
25 requirements in subparagraph (C) shall search personal belongings
26 at any hospital entrance or confiscate weapons.

27 (3) (A) A requirement that a hospital adopt reasonable protocols
28 for storage or confiscation, and return, of any patient, family, or
29 visitor property that might be used as a weapon and reasonable
30 protocols for alternative search and screening for patients, family,
31 or visitors who refuse to undergo weapons detection device
32 screening.

33 (B) If an individual triggers the weapons detection device, the
34 individual shall have the right to leave the facility with the object
35 and the right to return without being denied entry for that reason.

36 (4) A requirement that a hospital post, in a conspicuous location
37 in a size and manner determined by the standards board, within
38 reasonable proximity of any public entrances where weapons
39 detection devices are utilized, a notice adopted by the standards
40 board advising the public that the hospital conducts screenings for

1 weapons upon entry but that no person shall be refused medical
2 care, pursuant to the federal Emergency Medical Treatment and
3 Active Labor Act (EMTALA).

4 (d) By January 1, 2017, and annually thereafter, the division,
5 in a manner that protects patient and employee confidentiality,
6 shall post a report on its internet website containing information
7 regarding violent incidents at hospitals, that includes, but is not
8 limited to, the total number of reports, and which specific hospitals
9 filed reports, pursuant to paragraph (8) of subdivision (b), the
10 outcome of any related inspection or investigation, the citations
11 levied against a hospital based on a violent incident, and
12 recommendations of the division on the prevention of violent
13 incidents at hospitals.

14 (e) This section shall not apply to a hospital operated by the
15 State Department of State Hospitals, the State Department of
16 Developmental Services, or the Department of Corrections and
17 Rehabilitation.

18 (f) This section does not limit the authority of the standards
19 board to adopt standards to protect employees from workplace
20 violence. Nothing in this section shall be interpreted to preclude
21 the standards board from adopting standards that require other
22 employers, including, but not limited to, employers exempted from
23 this section by subdivision (e), to adopt plans to protect employees
24 from workplace violence. Nothing in this section shall be
25 interpreted to preclude the standards board from adopting standards
26 that require an employer subject to this section, or any other
27 employer, to adopt a workplace violence prevention plan that
28 includes elements or requirements additional to, or broader in
29 scope than, those described in this section.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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