

AMENDED IN SENATE AUGUST 22, 2024  
AMENDED IN SENATE AUGUST 15, 2024  
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**

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**Introduced by Assembly Member Gipson**  
*(Coauthors: Assembly Members Bonta, Ortega, Rendon, Rodriguez, Santiago, and Schiavo)*  
*(Coauthors: Senators Durazo and Roth)*

February 16, 2024

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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, 2027, 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 that automatically screen a person’s body 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 addressing how the hospital will respond if a dangerous weapon is detected, as specified.

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.

The bill would require the Division of Occupational Safety and Health to set an effective date that is no longer than 90 days after the standard is adopted for hospitals to comply with these requirements.

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:

1 6401.8. (a) The standards board, no later than July 1, 2016,  
2 shall adopt standards developed by the division that require a  
3 hospital licensed pursuant to subdivision (a), (b), or (f) of Section  
4 1250 of the Health and Safety Code, except as exempted by  
5 subdivision (e), to adopt a workplace violence prevention plan as  
6 a part of its injury and illness prevention plan to protect health care  
7 workers and other facility personnel from aggressive and violent  
8 behavior.

9 (b) The standards adopted pursuant to subdivision (a) shall  
10 include all of the following:

11 (1) A requirement that the workplace violence prevention plan  
12 be in effect at all times in all patient care units, including inpatient  
13 and outpatient settings and clinics on the hospital's license.

14 (2) A definition of workplace violence that includes, but is not  
15 limited to, both of the following:

16 (A) The use of physical force against a hospital employee by a  
17 patient or a person accompanying a patient that results in, or has  
18 a high likelihood of resulting in, injury, psychological trauma, or  
19 stress, regardless of whether the employee sustains an injury.

20 (B) An incident involving the use of a firearm or other dangerous  
21 weapon, regardless of whether the employee sustains an injury.

22 (3) A requirement that a workplace violence prevention plan  
23 include, but not be limited to, all of the following:

24 (A) Personnel education and training policies that require all  
25 health care workers who provide direct care to patients to, at least  
26 annually, receive education and training that is designed to provide  
27 an opportunity for interactive questions and answers with a person  
28 knowledgeable about the workplace violence prevention plan. The  
29 education and training shall cover topics that include, but are not  
30 limited to, the following topics:

31 (i) How to recognize potential for violence, and when and how  
32 to seek assistance to prevent or respond to violence.

33 (ii) How to report violent incidents to law enforcement.

34 (iii) Any resources available to employees for coping with  
35 incidents of violence, including, but not limited to, critical incident  
36 stress debriefing or employee assistance programs.

37 (B) A system for responding to, and investigating violent  
38 incidents and situations involving violence or the risk of violence.

1 (C) A system to, at least annually, assess and improve upon  
2 factors that may contribute to, or help prevent workplace violence,  
3 including, but not limited to, the following factors:

4 (i) Staffing, including staffing patterns and patient classification  
5 systems that contribute to, or are insufficient to address, the risk  
6 of violence.

7 (ii) Sufficiency of security systems, including alarms, emergency  
8 response, and security personnel availability.

9 (iii) Job design, equipment, and facilities.

10 (iv) Security risks associated with specific units, areas of the  
11 facility with uncontrolled access, late-night or early morning shifts,  
12 and employee security in areas surrounding the facility such as  
13 employee parking areas.

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

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

19 (6) Provisions prohibiting hospitals from disallowing an  
20 employee from, or taking punitive or retaliatory action against an  
21 employee for, seeking assistance and intervention from local  
22 emergency services or law enforcement when a violent incident  
23 occurs.

24 (7) A requirement that hospitals document, and retain for a  
25 period of five years, a written record of any violent incident against  
26 a hospital employee, regardless of whether the employee sustains  
27 an injury, and regardless of whether the report is made by the  
28 employee who is the subject of the violent incident or any other  
29 employee.

30 (8) A requirement that a hospital report violent incidents to the  
31 division. If the incident results in injury, involves the use of a  
32 firearm or other dangerous weapon, or presents an urgent or  
33 emergent threat to the welfare, health, or safety of hospital  
34 personnel, the hospital shall report the incident to the division  
35 within 24 hours. All other incidents of violence shall be reported  
36 to the division within 72 hours.

37 (c) The standards board shall, by March 1, 2027, amend the  
38 standards adopted pursuant to subdivision (a) to include all of the  
39 following:

1 (1) (A) A requirement that a hospital implement a weapons  
2 detection screening policy that requires the use of weapons  
3 detection devices that automatically screen a person’s body, as  
4 described in clause (iii), at the hospital’s main public entrance, at  
5 the entrance to the hospital’s emergency department, and at the  
6 hospital’s labor and delivery entrance if separately accessible to  
7 the public.

8 (i) For purposes of this paragraph, a weapons detection screening  
9 policy shall include security mechanisms, devices, or technology  
10 designed to screen and identify instruments capable of inflicting  
11 death or serious bodily injury.

12 (ii) The use of handheld metal detector wands, while they may  
13 be used in connection with other weapons detection devices, may  
14 not be the sole equipment used. This clause does not apply to the  
15 following:

16 (I) Small and rural hospitals.

17 (II) Entrances with existing spacing limitations, as determined  
18 ~~by the Department of Health Care Access and Information, that~~  
19 ~~prevent limitations where the use of a weapons detection devices~~  
20 ~~device other than a handheld metal detector wand. wand would~~  
21 ~~result in a violation of the standards in Title 24 of the California~~  
22 ~~Code of Regulations.~~

23 (III) Hospitals that exclusively provide extended hospital care  
24 to patients with complex medical and rehabilitative needs, such  
25 as hospitals that are currently federally certified as long-term care  
26 hospitals or inpatient rehabilitation facilities.

27 (iii) The standards board shall define the list of applicable  
28 security mechanisms, devices, or technologies that meet the  
29 standard in this subparagraph.

30 (B) For purposes of this paragraph, the following definitions  
31 shall apply:

32 (i) “Main public entrance” means a singular entrance, as  
33 designated by the hospital, that serves as the primary point of  
34 access that patients and visitors use to enter the main hospital  
35 building.

36 (ii) “Small and rural hospital” has the same meaning as in  
37 subdivision (d) of Section 130076 of the Health and Safety Code  
38 for purposes of the Small and Rural Hospital Relief Program.

39 (C) The requirement described in this paragraph may not apply  
40 to the ambulance entrance.

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

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

10 (C) (i) A hospital shall implement training for personnel  
11 responsible for implementing the weapons detection screening  
12 policy that includes a minimum of eight hours of training on all  
13 of the following:

14 (I) The hospital’s policies and procedures on how to respond if  
15 a dangerous weapon is detected at the point of screening.

16 (II) How to operate the hospital’s weapons detection devices.

17 (III) Deescalation.

18 (IV) Implicit bias.

19 (ii) A hospital shall determine how the training described in this  
20 subparagraph is satisfied. The training topics described in clause  
21 (i) may be satisfied individually and on separate occasions or  
22 through one comprehensive training course, provided that the total  
23 amount of training received meets the minimum amount of time  
24 required in this subparagraph.

25 (D) No one other than trained personnel who have completed  
26 the requirements in subparagraph (C) shall search personal  
27 belongings at any hospital entrance or confiscate weapons if the  
28 hospital’s policies include weapons confiscation by trained  
29 personnel.

30 (3) (A) A provision permitting a hospital to exclude current  
31 hospital employees or health care providers who enter a hospital  
32 wearing an identification badge bearing their name and title from  
33 undergoing weapons detection screening as described in  
34 subparagraph (A) of paragraph (1) of this subdivision.

35 (B) A requirement that the weapons detection screening policy  
36 include reasonable protocols addressing how the hospital will  
37 respond if a dangerous weapon is detected and reasonable protocols  
38 for alternative search and screening for patients, family, or visitors  
39 who refuse to undergo weapons detection device screening.

1 (C) If an individual triggers the weapons detection device, the  
2 individual shall have the right to leave the facility with the object  
3 and the right to return without the object and without being denied  
4 entry to the facility solely for the reason of previously possessing  
5 the detected object.

6 (4) A requirement that a hospital post, in a conspicuous location  
7 in a size and manner determined by the standards board, within  
8 reasonable proximity of any public entrances where weapons  
9 detection devices are utilized, a notice ~~adopted by the standards~~  
10 ~~board~~ advising the public that the hospital conducts screenings for  
11 weapons upon entry but that no person shall be refused medical  
12 care, pursuant to the federal Emergency Medical Treatment and  
13 Active Labor Act (EMTALA).

14 (5) The division shall set an effective date that is no longer than  
15 90 days after the standard is adopted for hospitals to comply with  
16 the requirements of this subdivision.

17 (d) By January 1, 2017, and annually thereafter, the division,  
18 in a manner that protects patient and employee confidentiality,  
19 shall post a report on its internet website containing information  
20 regarding violent incidents at hospitals, that includes, but is not  
21 limited to, the total number of reports, and which specific hospitals  
22 filed reports, pursuant to paragraph (8) of subdivision (b), the  
23 outcome of any related inspection or investigation, the citations  
24 levied against a hospital based on a violent incident, and  
25 recommendations of the division on the prevention of violent  
26 incidents at hospitals.

27 (e) This section shall not apply to a hospital operated by the  
28 State Department of State Hospitals, the State Department of  
29 Developmental Services, or the Department of Corrections and  
30 Rehabilitation.

31 (f) This section does not limit the authority of the standards  
32 board to adopt standards to protect employees from workplace  
33 violence. Nothing in this section shall be interpreted to preclude  
34 the standards board from adopting standards that require other  
35 employers, including, but not limited to, employers exempted from  
36 this section by subdivision (e), to adopt plans to protect employees  
37 from workplace violence. Nothing in this section shall be  
38 interpreted to preclude the standards board from adopting standards  
39 that require an employer subject to this section, or any other  
40 employer, to adopt a workplace violence prevention plan that

1 includes elements or requirements additional to, or broader in  
2 scope than, those described in this section.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.