

December 4, 2024

Assembly Bill (AB) 2975: Hospital Weapon Detection Policy and Screening

Q1: What does AB 2975 (Gipson, D-Gardena) do?

A1: AB 2975 directs the California Department of Occupational Safety and Health (Cal/OSHA) Standards Board (OSHSB) to amend the existing Workplace Violence Prevention in Health Care standard to comport with its provisions, which include requiring:

- Hospitals to adopt a weapon detection policy that includes weapon screening at specified hospital entrances
- OSHSB to finalize these amended standards by March 1, 2027
- Hospitals to comply on or before a date selected by OSHSB that must be within 90 days of OSHSB finalizing the standards

Q2: Which hospitals must follow the requirements under AB 2975?

A2: All hospitals licensed pursuant to Health and Safety Code Section 1250 (a), (b), or (f) must comply with AB 2975's requirements — except for hospitals operated by the California Department of State Hospitals, the California Department of Developmental Services, or the California Department of Corrections and Rehabilitation.

Q3: What hospital entrances must include weapon detection screening?

A3: Weapon detection screening must be situated at the following three entrances:

- The “main public entrance,” defined by AB 2975 as “a singular entrance, as designated by the hospital, which serves as the primary point of access that patients and visitors use to enter the main hospital building”
- Emergency department entrance
- Labor and delivery entrance, if separately accessible to the public

Q4: Are there limitations to the type of weapon detection screening device a hospital may use?

A4: Yes. There are two primary limitations:

- The chosen screening device must screen for and identify “instruments capable of inflicting death or serious bodily injury.”
- Except for the hospitals identified in Q5, most hospitals may not use a handheld weapon detection screening device as their sole or primary screening device for compliance purposes; all hospitals may use them as a secondary screening device.

In addition, AB 2975 directs OSHSB to identify the types of permissible screening devices, which it will include in its finalized standards due March 1, 2027.

Q5: Where may a handheld weapon detection device be used as the primary screening instrument for purposes of compliance with AB 2975?

A5: Certain types of hospitals and entrances that fall into a certain category may primarily use a handheld weapon detection device, including:

- Small and rural hospitals, as defined under the Small and Rural Hospital Relief Program
- Hospitals that exclusively provide extended care to patients with complex medical and rehabilitative needs, such as hospitals currently federally certified as long-term care hospitals or inpatient rehabilitation facilities
- Entrances with existing spacing limitations where use of a weapon detection device other than a handheld metal detector wand would result in a violation of standards in Title 24 of the California Code of Regulations

Q6: Does AB 2975 include any staffing requirements?

A6: Yes. A hospital must have designated staff, other than a health care provider, which meets specified training requirements mentioned in Q7. These employees:

- Implement the weapon detection screening policy
- Monitor and operate the weapon detection screening device
- Must be present at all times the entrance is open to the public

Q7: What type of training must an employee complete before implementing the hospital's weapon detection screening policy and procedure?

A7: Any employee who is responsible for overseeing the hospital's weapon detection screening policy and procedures must receive a minimum of eight hours of training in the following areas:

- The hospital's policies and procedures on how to respond if a dangerous weapon is detected in a person's possession at the point of screening
- How to operate the hospital's weapon detection devices
- De-escalation
- Implicit bias

It is within the hospital's discretion to determine the manner and modality of the training, so long as the total training time is at least eight hours in duration and covers the topics listed above.

Q8: Does AB 2975 exempt hospital employees from the weapon detection screening process?

A8: Yes. AB 2975 excludes current hospital employees or health care providers who are wearing a hospital identification badge.

Q9: Will AB 2975 require hospitals to store and/or confiscate weapons detected during the screening process?

A9: No. However, a hospital will be required to include in its weapon detection screening policy how it will respond if a dangerous weapon is detected, including the ability for an individual to re-enter the hospital facility following the disposal of a detected weapon.

Q10: What do hospitals need to include in their weapon detection screening policy?

A10: All hospitals in California must develop and implement a weapon detection screening policy, and that policy must:

- Identify the type of weapon detection screening used and at which hospital entrances
- Establish reasonable protocols addressing how the hospital will respond if a dangerous weapon is detected
- Establish reasonable protocols for alternative search and screening for patients, families, or visitors who refuse to undergo weapon detection device screening
- Allow an individual to leave the hospital if a weapon is detected in their possession and re-enter without the detected item

Q11: Does AB 2975 include any posting or notice requirements?

A11: Yes. Hospitals must post a notice advising the public that the hospital conducts screenings for weapons upon entry, but that no person shall be refused medical care pursuant to the federal Emergency Medical Treatment and Active Labor Act. This notice must be displayed:

- In a conspicuous location
- In a size and manner determined by OSHSB
- Within reasonable proximity of any public entrances where weapon detection devices are utilized

Q12: Is there anything hospitals can do between now and when OSHSB finalizes the AB 2975 standards?

A12: Yes, hospitals can do the following:

- Identify the required entrances and assess the need to redesign or reconfigure entrance spacing
- Determine whether your hospital facility falls into one of three categories permitting the use of a handheld weapon detection device
- Research weapon detection device options
- Plan for increased staffing
- Prepare FAQs for visitors and patients
- Update security policies

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