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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To protect hospital personnel from violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. DEAN of Pennsylvania introduced the following bill; which was referred
to the Committee on _____

A BILL

To protect hospital personnel from violence, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save Healthcare Work-
5 ers Act”.

6 **SEC. 2. PREVENTION OF VIOLENCE AGAINST HOSPITAL**
7 **PERSONNEL.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) The incidence of assault and intimidation
2 against hospital employees poses a serious national
3 problem.

4 (2) The problem of assault and intimidation
5 against hospital and health care employees preceded
6 the COVID–19 pandemic. According to an April
7 2020 Bureau of Labor Statistics report, the health
8 care and social service industries experienced the
9 highest rates of injuries caused by workplace vio-
10 lence and were 5 times as likely to suffer a work-
11 place violence injury than workers overall in 2018.
12 That report also found that the incidence rate for
13 workplace violence against health care workers had
14 steadily increased since 2011. The COVID–19 pan-
15 demic exacerbated this growing problem.

16 (3) Workplace violence in hospitals inhibits hos-
17 pital employees from performing their duties and
18 thereby disrupts the delivery of health care services
19 and leads to adverse patient outcomes. Violence to-
20 wards hospital workers also has been associated with
21 decreased productivity and quality of care, employee
22 absenteeism, and increased employee turnover.

23 (4) State and local authorities are now and will
24 continue to be responsible for prosecuting the over-
25 whelming majority of violent crimes in the United

1 States, including assault and intimidation against
2 hospital employees. These authorities can address
3 the problem of assault and intimidation against hos-
4 pital employees more effectively with greater Federal
5 law enforcement involvement.

6 (5) Existing Federal law is inadequate to ad-
7 dress this problem.

8 (6) Assault and intimidation against hospital
9 employees substantially affects interstate commerce
10 in many ways, including the following:

11 (A) Health care services are a significant
12 part of the national economy. In 2023, expendi-
13 tures on health care services accounted for 17.6
14 percent of the country's gross domestic product.
15 Within health care, hospitals and health sys-
16 tems are economic pillars that create jobs and
17 support economic growth across State lines.

18 (B) The health care market, and hospitals
19 in particular, are heavily regulated by the Fed-
20 eral Government.

21 (C) Hospital revenue comes from interstate
22 or Federal sources, such as out-of-State insur-
23 ers or Medicare.

24 (D) Hospital employees who are victims of
25 assault or intimidation are prevented from pur-

1 chasing goods and services, obtaining or sus-
2 taining employment, or participating in other
3 commercial activity.

4 (E) Facilities and instrumentalities of
5 interstate commerce have been used in the com-
6 mission of assault and intimidation against hos-
7 pital employees.

8 (F) Assault and intimidation against hos-
9 pital employees has been committed using arti-
10 cles that have traveled in interstate commerce.

11 (7) In *Summit Health, Ltd. v. Pinhas*, 500
12 U.S. 322, 329–30 (1991), the Supreme Court of the
13 United States held that it is “clear” that hospitals
14 are “regularly” engaged in interstate commerce, per-
15 forming services for out-of-State patients and gener-
16 ating revenues from out-of-State sources.

17 (8) In *Taylor v. United States*, 579
18 U.S._____(2016), the Supreme Court of the United
19 States ruled that activities that affect commerce
20 may be regulated so long as they substantially affect
21 interstate commerce in the aggregate, even if their
22 individual impact on interstate commerce is minimal.
23 In addition, as the United States Court of Appeals
24 for the Fourth Circuit recognized in *United States*
25 *v. Hill*, 927 F.3d 188 (4th Cir. 2019), *Taylor* and

1 other Supreme Court decisions establish that when
2 Congress may regulate an economic or commercial
3 activity—as it may with respect to hospitals—it also
4 may regulate violent conduct that interferes with or
5 affects that activity. Accordingly, if individuals are
6 engaged in ongoing economic or commercial activity
7 subject to congressional regulation—as hospital em-
8 ployees are—then Congress also may prohibit violent
9 crime that interferes with or affects such individuals’
10 ongoing economic or commercial activity.

11 (9) Federal jurisdiction over certain violent
12 crimes against hospital employees enables Federal,
13 State, and local authorities to work together as part-
14 ners in the investigation and prosecution of such
15 crimes.

16 (10) The problem of assault and intimidation
17 against hospital employees is serious, widespread,
18 and interstate in nature as to warrant Federal as-
19 sistance to hospitals to combat that activity.

20 (b) PROHIBITION ON ASSAULT OF HOSPITAL PER-
21 SONNEL IN THE PERFORMANCE OF DUTIES.—

22 (1) IN GENERAL.—Chapter 7 of title 18, United
23 States Code, is amended by adding at the end the
24 following:

1 **“§ 120. Assault of hospital personnel**

2 “(a) IN GENERAL.—Whoever knowingly assaults an
3 individual employed by a hospital, or an entity contracting
4 with a hospital or other medical facility, during the course
5 of the performance of the duties of such individual, and,
6 as a result, interferes with the performance of the duties
7 of such individual or limits the ability of such individual
8 to perform such duties, shall be fined under this title, im-
9 prisoned not more than 10 years, or both.

10 “(b) ENHANCED PENALTIES.—

11 “(1) ACTS INVOLVING DANGEROUS WEAPONS
12 OR ACTS THAT RESULT IN BODILY INJURY.—Who-
13 ever, in the commission of any act described in sub-
14 section (a), uses a deadly or dangerous weapon or
15 inflicts bodily injury, shall be fined under this title
16 or imprisoned not more than 20 years, or both.

17 “(2) ACTS COMMITTED DURING EMERGENCY
18 DECLARATIONS.—Whoever commits any act de-
19 scribed in subsection (a) during the period of a dec-
20 laration of a public emergency for the area in which
21 the act is committed shall be fined under this title
22 or imprisoned not more than 20 years, or both.

23 “(c) AFFIRMATIVE DEFENSE.—It shall be an affirm-
24 ative defense to a prosecution under this section that—

25 “(1) the defendant is a person with a physical,
26 mental, or intellectual disability; and

1 “(2) the conduct of the defendant was a clear
2 and direct manifestation of such disability.

3 “(d) DEFINITIONS.—In this section:

4 “(1) HOSPITAL.—The term ‘hospital’ means
5 any of the following medical facilities:

6 “(A) A hospital (as defined in section
7 1861(e) of the Social Security Act (42 U.S.C.
8 1395x(e))).

9 “(B) A long-term care hospital (as defined
10 in section 1861(ccc) of such Act (42 U.S.C.
11 1395x(ccc))).

12 “(C) A rehabilitation facility (as defined in
13 section 1886(j)(1)(A) of such Act (42 U.S.C.
14 1395ww(j)(1)(A))).

15 “(D) A cancer hospital (as described in
16 section 1886(d)(1)(B)(iii) of such Act (42
17 U.S.C. 1395ww(d)(1)(B)(iii))).

18 “(E) A children’s hospital (as described in
19 section 1886(d)(1)(B)(v) of such Act (42
20 U.S.C. 1395ww(d)(1)(B)(v))).

21 “(F) A critical access hospital (as defined
22 in section 1861(mm)(1) of such Act (42 U.S.C.
23 1395x(mm)(1))).

1 “(G) A rural emergency hospital (as de-
2 fined in section 1861(kkk)(2) of such Act (42
3 U.S.C. 1395x(kkk)(2))).

4 “(2) DECLARATION OF A PUBLIC EMER-
5 GENCY.—The term ‘declaration of a public emer-
6 gency’ means any of the following:

7 “(A) A public health emergency declared
8 by the Secretary of Health and Human Services
9 under section 319 of the Public Health Service
10 Act.

11 “(B) An emergency or disaster declared by
12 the President pursuant to the Robert T. Staf-
13 ford Disaster Relief and Emergency Assistance
14 Act.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions for chapter 7 of title 18, United States Code,
17 is amended by adding at the end the following:

“120. Assault of hospital personnel.”.

18 (c) GRANTS FOR THE PROTECTION OF THE HOS-
19 PITAL WORKFORCE AGAINST VIOLENCE.—Title I of the
20 Omnibus Crime Control and Safe Streets Act of 1968 (34
21 U.S.C. 10101 et seq.) is amended by inserting after part
22 OO the following:

1 **“PART PP—GRANT PROGRAM FOR HOSPITAL**
2 **WORKFORCE SAFETY AND SECURITY**

3 **“SEC. 3061. GRANT AUTHORIZATION.**

4 “(a) IN GENERAL.—The Attorney General may make
5 grants under this part to hospitals for the purpose of car-
6 rying out programs to reduce the incidence of violence at
7 hospitals, including violence or intimidation against hos-
8 pital personnel in the performance of their duties.

9 “(b) USE OF FUNDS.—A grant awarded under this
10 part shall be used to reduce the incidence of violence at
11 hospitals through programs that may include one or more
12 of the following:

13 “(1) Training hospital personnel to prevent vio-
14 lence or intimidation against others or themselves,
15 including de-escalation training and specialized
16 training in responding to mental health crises.

17 “(2) Coordination with State and local law en-
18 forcement.

19 “(3) Placement and use of hospital access con-
20 trol technologies, video surveillance, metal detection,
21 panic buttons, status alert systems, restricted access
22 capabilities, and safe patient and staff rooms, and
23 other violence-prevention tools or measures.

24 “(4) Any other measures that the Attorney
25 General determines may provide a significant im-
26 provement in—

1 “(A) training for violence prevention at
2 hospitals; and

3 “(B) protection against violence and in-
4 timidation of hospital personnel.

5 “(c) PREFERENTIAL CONSIDERATION IN AWARDING
6 GRANTS.—In awarding grants under this part, the Attor-
7 ney General shall give preferential consideration, if fea-
8 sible, to an application from a hospital that—

9 “(1) has a demonstrated need for improved se-
10 curity;

11 “(2) has a demonstrated need for financial as-
12 sistance; and

13 “(3) has evidenced the ability to make the im-
14 provements for which the grant amounts are sought.

15 “(d) EQUITABLE DISTRIBUTION OF GRANT
16 FUNDS.—In awarding grants under this part, the Attor-
17 ney General shall ensure, to the extent practicable, an eq-
18 uitable geographic distribution among the regions of the
19 United States and among urban, suburban, and rural
20 areas.

21 “(e) ADMINISTRATIVE COSTS.—Not more than 2 per-
22 cent of a grant made under this part may be used for
23 costs incurred to administer such grant.

1 **“SEC. 3062. APPLICATIONS.**

2 “(a) IN GENERAL.—To request a grant under this
3 part, the chief executive of a hospital shall submit an ap-
4 plication to the Attorney General at such time, in such
5 form, and containing such information as the Attorney
6 General may reasonably require.

7 “(b) REQUIREMENTS.—Each application under this
8 section shall include—

9 “(1) a detailed explanation of—

10 “(A) the intended uses of funds provided
11 under the grant; and

12 “(B) how the activities funded under the
13 grant will satisfy the purpose of this part;

14 “(2) an assurance that the applicant shall
15 maintain and report such programmatic and finan-
16 cial data, records, and information as the Attorney
17 General may reasonably require; and

18 “(3) a certification, made in a form acceptable
19 to the Attorney General, that—

20 “(A) the programs to be funded by the
21 grant meet all the requirements of this part;

22 “(B) all the information contained in the
23 application is correct; and

24 “(C) the applicant will comply with all pro-
25 visions of this part and all other applicable Fed-
26 eral laws.

1 “(c) GUIDELINES.—Not later than 90 days after the
2 date of the enactment of this part, the Attorney General
3 shall promulgate guidelines to implement this section.

4 **“SEC. 3063. ANNUAL REPORT TO CONGRESS; GRANT AC-**
5 **COUNTABILITY.**

6 “(a) ANNUAL REPORT.—Not later than 90 days after
7 the end of the fiscal year for which funding for grants
8 under this part is made available, the Attorney General
9 shall submit to Congress a report regarding the activities
10 carried out under this part. Each such report shall in-
11 clude, for the preceding fiscal year, the number of grants
12 funded under this part, the amount of funds provided
13 under those grants, and the activities for which those
14 grant funds were used.

15 “(b) GRANT ACCOUNTABILITY.—Section 3026 (relat-
16 ing to grant accountability) shall apply to grants awarded
17 by Attorney General under this part. For purposes of the
18 preceding sentence, any references in section 3026 to part
19 LL shall be considered references to part PP.

20 **“SEC. 3064. DEFINITION.**

21 “For purposes of this part, the term ‘hospital’ has
22 the meaning given such term in section 120(d)(1) of title
23 18, United States Code.

1 **“SEC. 3065. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated
3 \$25,000,000 for each of fiscal years 2025 through 2034
4 to carry out this part. Funds appropriated for a fiscal year
5 pursuant to the preceding sentence shall remain available
6 until expended.”.