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AB-1976 Occupational safety and health standards: first aid materials: opioid antagonists. (2023-2024)

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Assembly Bill No. 1976

CHAPTER 689

An act to add Section 6723 to the Labor Code, relating to occupational safety and health.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1976, Haney. Occupational safety and health standards: first aid materials: opioid antagonists.

Existing law grants the Division of Occupational Safety and Health, which is within the Department of Industrial Relations, jurisdiction over all employment and places of employment, and the power necessary to enforce and administer all occupational health and safety laws and standards. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state. Existing law, the California Occupational Safety and Health Act of 1973 (OSHA), requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of the act.

Existing law requires the division, before December 1, 2025, to submit to the standards board a rulemaking proposal to consider revising certain standards relating to the prevention of heat illness, protection from wildfire smoke, and toilet facilities on construction jobsites. Existing law also requires the standards board to review the proposed changes and consider adopting revised standards on or before December 31, 2025.

This bill would require the division, before December 1, 2027, to submit a draft rulemaking proposal to revise specified regulations on first aid materials and emergency medical services to require first aid materials in a workplace to include naloxone hydrochloride or another opioid antagonist approved by the United States Food and Drug Administration to reverse opioid overdose and instructions for using the opioid antagonist. The bill would also require the division, in drafting the rulemaking proposal, to consider, and provide guidance to employers on, proper storage of the opioid antagonist in accordance with the manufacturer's instructions. The bill would require the standards board to consider for adoption revised standards for the standards described above on or before December 1, 2028.

Under existing law, a person who, in good faith and not for compensation, renders emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist is not liable for civil damages resulting from an act or omission related to the rendering of the emergency treatment, except if the act or omission constitutes gross negligence or willful or wanton misconduct.

This bill would expressly provide that an individual who administers naloxone hydrochloride or another opioid antagonist approved by the United States Food and Drug Administration to reverse opioid overdose in a suspected opioid overdose emergency shall not be liable for civil damages, as provided by, and subject to, the above-described provisions. The bill would also provide that an individual who is licensed as part of a local emergency medical services agency shall not be held responsible for administering nasal naloxone hydrochloride or another opioid antagonist approved by the United States Food and Drug

Administration to reverse opioid overdose, regardless of whether the individual was certified for that activity, unless the individual was acting as a paid first responder at the time of the action.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6723 is added to the Labor Code, to read:

6723. (a) The division, before December 1, 2027, shall submit a draft rulemaking proposal to revise Sections 1512 and 3400 of Title 8 of the California Code of Regulations to require first aid materials in a workplace to include naloxone hydrochloride or another opioid antagonist approved by the United States Food and Drug Administration to reverse opioid overdose and instructions for using the opioid antagonist.

(b) The division, in drafting the rulemaking proposal, shall consider, and provide guidance to employers on, proper storage of the opioid antagonist in accordance with the manufacturer's instructions.

(c) The standards board shall consider for adoption revised standards for the standards described in this section on or before December 1, 2028.

(d) (1) An individual who administers naloxone hydrochloride or another opioid antagonist approved by the United States Food and Drug Administration to reverse opioid overdose in a suspected opioid overdose emergency shall not be liable for civil damages as provided in Section 1799.113 of the Health and Safety Code if the conditions in that section are met.

(2) In accordance with paragraph (1), an individual who is licensed as part of a local emergency medical services agency shall not be held responsible for administering nasal naloxone hydrochloride or another opioid antagonist approved by the United States Food and Drug Administration to reverse opioid overdose, regardless of whether the individual was certified for that activity, unless the individual was acting as a paid first responder at the time of the action.