

# State Legislative Template: Protecting Physicians from Workplace Violence

## I. Introduction

The AMA has [advocated against the culture of violence](#) in America, including domestic violence, gun violence, racism, police brutality, and xenophobia—and violence against physicians and health professionals is no exception. While not a new occurrence, the reported uptick in intimidation, threats and attacks toward people in the medical field has been on the [rise](#) for at least the last decade—and has become even more of an alarming phenomenon since the COVID-19 pandemic. Injuries caused by violent attacks against medical professionals grew by 67% from 2011 to 2018—with health care workers five times more likely to experience workplace violence than workers in all other industries, according to [figures](#) from the U.S. Bureau of Labor Statistics. The Bureau of Labor statistics reports that 10.4 in 10,000 workers in health care experience some sort of workplace violence, compared to 2.1 in 10,000 across all industries.

Violence against physicians and staff can take many forms, including verbal abuse, threats, acts of intimidation, gun violence, knife attacks, physical assaults, gender-based aggressions attacks via email and voicemail, and increasingly on social media, which is really troubling and problematic. And while racially and ethnically motivated violence is not [new](#), reports of verbal and physical abuse attacking the personal characteristics of health care professionals from historically and racially marginalized groups represents a deeper layer of racism. Violence against physicians is particularly acute in hospital emergency rooms, and the American College of Emergency Physicians has extensive [resources](#) concerning violence against physicians and emergency department staff.

There is no question that there is a link with workplace violence in health care, with deterioration of the quality of life for physicians, traumatic stress, which is also linked to physical and mental health problems. Psychological consequences include post-traumatic stress disorder, depression, anxiety, and increasingly, a willingness for all health care providers to actually leave the profession, and negative impact the quality of patient care. These consequences greatly contribute to the physician burnout crisis, which is a core element of the AMA's Recovery Plan. The AMA Advocacy Resource Center has developed advocacy resources to help states take action to address physician burnout, and these resources have resulted in numerous advocacy wins. See the [ARC Issue Brief: Confidential care to support physician health and wellness](#).

## II. Purpose of this template: advocacy strategies

### A. Presenting state laws making violence against health care providers and/or first responders a crime.

This template is designed to help federation of medicine advocates think of state legislative strategies to protect physicians from workplace violence. Almost all states have enacted laws that either enhance, or extend, criminal penalties with respect to violence against physicians and other health care professionals. Section VI below contains the relevant sections of these laws. But these laws can differ significantly. For example, laws differ in terms of: (1) penalties; (2) prohibited conduct; (3) location of violation, e.g., emergency department or entire facility; (4) timing of the violation; (5) the person protected, etc. So, if the federation advocacy wants to consider further, different options to protect physicians in terms of criminal violations, the laws described below provide plenty of alternatives. Note

that it appears that a few laws listed below do not appear to apply to physicians or health care facility emergency departments. Many of these laws have very recently been enacted or amended.

## **B. The chart entitled “State Legislative Template: Protecting Physicians from Workplace Violence.”**

This template comes with a chart that is designed to help federation advocates understand the similarities and differences between the state laws reproduced below. The chart tries highlight four key concepts with respect to the laws in this template:

- (1) **“Who?”** Who are the persons protected by the law, e.g., physicians, employees, first responders?
- (2) **“What?”** What conduct is illegal, e.g., serious bodily harm, threats, contact with bodily fluids?
- (3) **“Where?”** Where may the violation occur, e.g., anywhere at all, a health care facility, a physician office?
- (4) **“When?”** When may the violation occur, e.g., anytime, when the physician is performing his/her duties?

In addition to (1) through (4), the chart also indicates when the laws listed below require or explicitly permit health care facilities to post **notices** of potential criminal penalties when health care professionals are subject to violence.

## **III. Enactment of state laws requiring hospital violence prevention plans.**

In addition to the laws reproduced below, states are increasing enacting laws that require health care facilities to adopt workplace violence prevention plans. Some of these laws have extensive requirements. See e.g., New Hampshire [SB 459](#) (2022). The ARC is tracking this legislative trend and may add the laws to this template in the future.

## **IV. This template focuses only on laws that mention physicians and health care providers.**

This template **ONLY** discusses laws that apply either to: (1) laws that specifically apply only to physicians and/or health care professionals; or (2) laws that list different types of individuals, teachers, police, etc., where the list also includes physicians or health care professionals. Obviously, the conduct prohibited under these laws might be punishable under other state criminal statutes. So, e.g., just because a state does not have an “aggravated battery” law that singles out physicians and health care professionals for special treatment does not mean that violence against a physician or health care professional would not constitute an aggravated battery against the physician or health care professional.

## **V. Other resources.**

There are **many** resources discussion how to deal with health care workplace violence. What follows are just a few. The Joint Commission requires hospitals to develop violence prevention programs. The **Joint Commission** recently enacted new and revised workplace violence prevention [standards](#). The Joint Commission defines “**workplace violence**” as:

An act or threat occurring at the workplace that can include any of the following: verbal, nonverbal, written, or physical aggression; threatening, intimidating, harassing, or humiliating

words or actions; bullying; sabotage; sexual harassment; physical assaults; or other behaviors of concern involving staff, licensed practitioners, patients, or visitors.<sup>1</sup>

The **Occupational Safety and Health Administration** also has many resources, including its [Guidelines](#) for Preventing Workplace Violence for Healthcare and Social Service that discusses violence prevention programs. The guidelines are advisory only. The guidelines are intended to cover a broad spectrum of workers, including those in: psychiatric facilities, hospital emergency departments, community mental health clinics, drug abuse treatment centers, pharmacies, community-care centers, and long-term care facilities. **Healthcare and social service workers** covered by the guidelines include: registered nurses, nurses' aides, therapists, technicians, home healthcare workers, social workers, emergency medical care personnel, physicians, pharmacists, physicians' assistants, nurse practitioners, and other support staff who come in contact with clients with known histories of violence. The guidelines cover the following **settings**: hospitals; residential treatment settings including long-term care facilities; non-residential treatment/service settings including small neighborhood clinics and mental health centers; community care settings include community-based residential facilities and group homes; and field work settings include home healthcare workers or social workers who make home visits.

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control also has many resources dealing with [Safety Culture in Healthcare Settings](#). NIOSH defines The National Institute for Occupational Safety and Health (NIOSH) defines workplace violence as "any physical assault, threatening behavior, or verbal abuse occurring in the work setting." NIOSH defines **four categories** of workplace violence: criminal intent (Type I), client-on-worker (Type II), worker on worker (Type III), and personal relationship violence (Type IV). This classification is reflected in a number of state laws concerning workplace violence.<sup>2</sup>

## VI. State criminal laws

**1.1 Alabama.**<sup>3</sup> A person commits the crime of assault in the second degree (which is a Class C felony) if:

(a) A person commits the crime of assault in the second degree if the person causes **physical injury to any person**....

(6) With **intent** to cause **physical injury** to a **health care worker**, including a nurse, physician, technician, or **any other person employed by or practicing** at one of the following **locations**:

- (a) the hospital;
- (b) the county or district health department;
- (c) any health care facility owned or operated by the State of Alabama;
- (d) the long-term care facility; or
- (e) the physician's office, clinic, or outpatient treatment facility;

(b) **during** the course of or as a **result** of the performance of the **duties** of the health care worker or other person employed by or practicing at one of these locations.

<sup>11</sup> See <https://www.jointcommission.org/resources/patient-safety-topics/workplace-violence-prevention/#:~:text=An%20act%20or%20threat%20occurring,of%20concern%20involving%20staff%2C%20licensed>

<sup>2</sup> See e.g., California 8 CCR 3342 [Violence Prevention in Health Care](#) and Illinois 210 ILCS 160 [Health Care Violence Prevention Act](#).

<sup>3</sup> Alabama Code 13A-6-21

(c) The law also applies to a pharmacist, pharmacy technician, pharmacy intern, pharmacy extern, or pharmacy cashier.

(d) **Exceptions.** The law does not apply to assaults:

- (1) by patients who are **impaired by medication**; or
- (2) on **home health** care workers **while** they are in **private residences**

## 1.2 Alaska.<sup>4</sup>

(d) A defendant convicted of assault in the fourth degree<sup>5</sup> or harassment in the first degree<sup>6</sup> who knowingly directed the conduct constituting the offense at

(1)(a) a uniformed or otherwise clearly identified...emergency medical technician, paramedic, ambulance attendant, or other emergency responder or **medical professional**

(b) who was engaged in the performance of **official duties** and **at the time** of the assault or harassment shall be sentenced to a minimum term of imprisonment of:

(A) 60 days if the defendant violated AS 11.41.230(a)(1) or (2)<sup>7</sup> or AS 11.61.118;<sup>8</sup>

(B) 30 days if the defendant violated AS 11.41.230(a)(3);<sup>9</sup>

(e) If a defendant is sentenced under...(d)...of this section,

(1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;

(2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and

(3) the minimum term of imprisonment may not otherwise be reduced....

(k) In this section....

(3) **“Medical professional”** means a person who is an advanced practice registered nurse, anesthesiologist, chiropractor, dental hygienist, dentist, health aide, nurse, nurse aide, mental health counselor, osteopath, **physician**, physician assistant, psychiatrist,

<sup>4</sup> AS 12.55.135

<sup>5</sup> (a) A person commits the crime of assault in the fourth degree if: (1) that person recklessly causes *physical injury* to another person; (2) with criminal negligence that person causes *physical injury* to another person by means of a dangerous instrument; or

(3) by words or other conduct that person recklessly places another person in fear of imminent physical injury. (b) Assault in the fourth degree is a class A misdemeanor. AS 11.41.230

<sup>6</sup> (a) A person commits the crime of harassment in the first degree if the person subjects another person to offensive physical contact; and the offensive physical contact is contact (1) with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces; or (2) by the person touching through clothing another person's genitals, buttocks, or female breast. (b) Harassment in the first degree is a class A misdemeanor. AS 11.61.118.

<sup>7</sup> See the previous footnote.

<sup>8</sup> See the previous footnote.

<sup>9</sup> See the previous footnotes.

psychological associate, psychologist, radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.

Both assault in the fourth degree<sup>10</sup> or harassment in the first degree are Class A misdemeanors.

**1.3 Arizona.**<sup>11</sup> A person commits aggravated assault if the person commits the assault<sup>12</sup> knowing or **having reason to know** that the victim is any of the following:

(A)

(1) A **health care worker** while engaged in the health care worker's work **duties** or a **health care practitioner**...or a person **summoned and directed** by the licensed **health care practitioner** while engaged in the person's professional duties.

(a) **Exception.** This does not apply if the person who commits the assault does not have the ability to form the culpable mental state because of a **mental disability** or because the person is **seriously mentally ill**....

(i) **"Mental disability"** means a disabling neurological condition, or brain injury, or involuntary impairment as a result of a medication that is administered by a health care provider or a medical procedure that is performed at a health care treatment site.

(b) **"Health care worker"** means:

(i) A person who is **employed by**, or **contracted to work at**, a **health care institution** that is licensed pursuant to title 36.

(ii) A person who is employed or contracted to provide health care or related services in a **fieldwork setting**, including:

(\*) Home health care, home-based hospice and home-based social work, unless:

(#) the worker is employed or contracted by an individual who **privately employs**, in the individual's residence, the worker to perform covered services for the individual or a family member of the individual.

(\*\*) Any emergency services and transport, including the services provided by firefighters and emergency responders.

(c) **"Health care practitioner"** includes: **physicians**; naturopaths; nurses; and physician assistants.

<sup>10</sup> (a) A person commits the crime of assault in the fourth degree if: (1) that person recklessly causes physical injury to another person; (2) with criminal negligence that person causes physical injury to another person by means of a dangerous instrument; or

(3) by words or other conduct that person recklessly places another person in fear of imminent physical injury. (b) Assault in the fourth degree is a class A misdemeanor. AS 11.41.230

<sup>11</sup> Arizona Code sections 13-1203 and 13-1204

<sup>12</sup> A person commits assault by: a Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed recklessly pursuant to subsection A, paragraph 1 or assault pursuant to subsection A, paragraph 2 is a class 2 misdemeanor. Assault committed pursuant to subsection A, paragraph 3 is a class 3 misdemeanor. Arizona Code section 13-1203.

Aggravated assault here is a class 6 felony.

#### 1.4 Arkansas.<sup>13</sup>

(a) A person commits battery in the second degree if:

(4) The person **knowingly**, without legal justification, causes **physical injury** to or incapacitates a person he or she knows to be:

(E) **While performing** medical treatment or emergency medical services or **while in the course of other employment** relating to his or her medical training:

(i) **A physician;**

(ii) A person licensed as emergency medical services personnel, as defined in § 20-13-202;

(iii) A licensed or certified healthcare professional; or

(iv) Any other healthcare provider....

Battery in the second degree is a Class D felony.

(\*) **Work address in lieu of home address.** A law enforcement agency shall allow a healthcare professional listed under (E) to list a **work address in lieu of his or her home address** when filing a police report or **complaint** related to an incident that meets the requirements of battery in the second degree under § 5-13-34 202(a)(4)(E).<sup>14</sup>

(\*\*) **Mandated notice.** A written notice of the felony status under § 5-13-202(a)(4)(E) of attacking a healthcare professional, including a nurse, shall be posted:

(1) At **entrances** to a healthcare facility, emergency department, clinic, or long-term care facility that are used by patients and visitors; and

(2) In a patient **waiting area** of a healthcare facility, emergency department, clinic, or long-term care facility.

(c)

(1) The Arkansas Nurses Association shall provide the Department of Health a digital poster design that shall be used by a healthcare facility.

(2) **Text of mandated notice.** The text of the digital poster described under subdivision (c)(1) of this section shall read: "We respect you. Please respect our staff. Attacking a healthcare worker is a FELONY\*. \*Arkansas Code Annotated § 5-13-29 202."<sup>15</sup>

#### 1.5 California—assault.<sup>16</sup> (A) When an assault<sup>17</sup> is committed against:

<sup>13</sup> A.C.A. § 5-13-202

<sup>14</sup> Arkansas Code section 12-12-112 SB 344 (2023)

<sup>15</sup> Arkansas Code section 20-9-105 SB 344 (2023)

<sup>16</sup> California Penal Code section 241.

<sup>17</sup> "An assault is an *unlawful attempt*, coupled with a present ability, to commit a violent injury on the person of another." California Penal Code section 241.

(a) An assault is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

(b) When an assault is committed against...a **physician** or nurse engaged:

- (i) in rendering **emergency medical care**;
- (ii) **outside** a hospital, clinic, or other **health care facility**; and
- (iii) the person committing the offense knows or **reasonably should know** that the victim is a... (iv) physician or nurse **engaged in** rendering emergency medical care,

the assault is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment....

#### 1.6 California—battery<sup>18</sup> without injury and with injury<sup>19</sup>

(a) A battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

(b) When a battery is committed against the person of a...**physician** or nurse:

- (i) engaged in rendering **emergency medical care**;
- (ii) **outside** a hospital, clinic, or other **health care facility**; and
- (iii) the person committing the offense knows or **reasonably should know** that the victim is a...physician or nurse;
- (iv) **engaged in rendering** emergency medical care,

the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(c) (1) When a battery is committed against a...physician or nurse:

- (a) engaged in rendering **emergency medical care**;
- (b) **outside** a hospital, clinic, or other **health care facility**; and
- (c) the person committing the offense knows or **reasonably should know** that the victim is...a physician or nurse;
- (d) **engaged in rendering emergency** medical care; and
- (e) an **injury is inflicted** on that victim;

(2) the battery is punishable by a fine of not more than two thousand dollars (\$2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years....

(d) When a battery is committed against **any person** and **serious bodily injury** is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years....

(f) As used in this section....

<sup>18</sup> “Battery” means “A battery is any willful and unlawful use of force or violence upon the person of another.” California Penal Code section 242

<sup>19</sup> California Penal Code section 243.

(4) “**Serious bodily injury**” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) “**Injury**” means any physical injury which requires professional medical treatment.

#### 1.7 Colorado. Assault in the second degree.

(a) A person commits the crime of assault in the second degree if....

(c) With **intent to prevent** one whom he or she knows, or **should know**, to be an emergency medical care provider, or emergency medical service provider, from performing a lawful duty, he or she intentionally causes bodily injury to any person....

(h) With intent to infect, injure, or harm another person whom the actor knows or reasonably should know to be engaged in the performance of his or her duties as a... an emergency medical care provider or an emergency medical service provider, he or she causes such person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means, including by throwing, tossing, or expelling such fluid or material....<sup>20</sup>

#### 1.8 Colorado. Assault in the third degree.

(1) A person commits the crime of assault in the third degree—a class 1 misdemeanor if....

(b) The person, with **intent to harass, annoy, threaten, or alarm** another person;

(i) whom the actor knows or **reasonably should know**;

(ii) to be an **emergency medical care provider**, or an emergency medical service provider;

(iii) causes the other person to **come into contact with** blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.<sup>21</sup>

**Colorado—Definitions under both assault in the second degree and assault in the third degree.**<sup>22</sup> Under Colorado law, assault in the third degree is a Class 1 misdemeanor, punishable by a maximum imprisonment sentence of 364 days, not more than a \$1,000 fine, or both.

(1) “**Emergency medical care provider**” means a doctor, intern, nurse, nurse’s aide, physician’s assistant, ambulance attendant or operator, air ambulance pilot, paramedic, or any other member of a hospital or health-care facility staff or security force who is involved in providing emergency medical care at a hospital or health-care facility, or in an air ambulance or ambulance as defined in section 25-3.5-103 (1) and (1.5), C.R.S.

#### 1.9 Connecticut.<sup>23</sup>

<sup>20</sup> Colorado Code section 18-3-203.

<sup>21</sup> Colorado Code section 18-3-204

<sup>22</sup> Colorado Code section 18-3-201.

<sup>23</sup> CT Gen Stat § 53a-167c. (2022)

(a)

- (1) A person is guilty of assault of...**health care personnel** when...
- (2) with intent to prevent a reasonably identifiable...**emergency room physician** or **nurse**, or **health care employee**; from
- (3) performing his or her **duties**, and
- (4) **while** such...physician, nurse, health care employee, member...is acting in the **performance** of his or her **duties**:
  - (a) such person causes **physical injury** to such...employee, physician, nurse...; or
  - (b) such person throws or hurls, or causes to be **thrown or hurled**, any rock, bottle, can or other article, object or missile of any kind capable of causing physical harm, damage or injury, at such...employee, physician, nurse....; or
  - (c) such person uses or causes to be used any mace, tear gas or any like or similar **deleterious agent** against such...employee, physician, nurse....; or
  - (d) such person **throws or hurls**, or causes to be thrown or hurled, any paint, dye or other like or similar staining, discoloring or coloring agent or any type of **offensive or noxious** liquid, agent or substance at such...employee, physician, nurse....; or
  - (e) such person **throws or hurls**, or causes to be thrown or hurled, any **bodily fluid** including, but not limited to, urine, feces, blood or saliva at such...employee, physician, nurse....

(c) **Disability is an affirmative defense.** In any prosecution under this section involving assault of a health care employee...it shall be an **affirmative defense** that the defendant is a person with a **disability**...and the defendant's conduct was a **clear and direct manifestation** of the disability, **except** that..."mental disability"...does not include any abnormality manifested only by repeated **criminal or antisocial** conduct.

(d) Assault of...emergency medical or health care personnel is a class C felony.

- (e) "**Health care employee**" means any individual directly or indirectly
  - (i) **employed by**, or serving as a volunteer for;
  - (ii) **a health care employer**, who:
    - (1) is involved in **direct** patient care, or
    - (2) has **direct contact** with the **patient** or the patient's **family** when:
      - (a) collecting or processing **information** needed for patient forms and record documentation, or
      - (b) **escorting or directing** the **patient** or the patient's **family** on the premises of the health care employer.<sup>24</sup>

#### 1.10 Delaware.<sup>25</sup> Assault in the second degree; class D felony.

(a) A person is guilty of assault in the second degree when....

- (4) The person intentionally causes **physical injury** to:
  - (a) ...licensed practical nurse, registered nurse, paramedic, licensed **medical doctor**, or:
  - (b) any person **providing** health-care treatment or;
  - (c) any person **employed by a health-care provider** while;
 such person is performing a **work-related duty**;

<sup>24</sup> CT Gen Stat § 19a-490q.

<sup>25</sup> Title 11 § 612.

(5) The person intentionally causes **physical injury** to any other person while such person is **rendering emergency care**....

(d) Assault in the second degree is a class D felony.

**1.11 Delaware.**<sup>26</sup> Assault in the first degree; class B felony.

(a) A person is guilty of assault in the first degree when....

(6) The person intentionally causes serious **physical injury** to:

(a) ...licensed practical nurse, registered nurse, paramedic, licensed **medical doctor** or any other person;

(b) **while** such person is **rendering emergency care**....

(c) Assault in the first degree is a class B felony.

**1.12 Florida.**<sup>27</sup> Assault<sup>28</sup> or battery<sup>29</sup> of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.—

(1) As used in this section, the term:

(a) “**Emergency medical care provider**” means...registered nurse, **physician**...medical director...or any person authorized by an emergency medical service...

(b) who is engaged in the performance of his or her **duties**.

(c) The term “emergency medical care provider” also includes physicians, employees, agents, or volunteers of hospitals as defined in chapter 395, who:

(i) are employed, under contract, or otherwise **authorized by a hospital**;

(ii) to perform duties directly associated with the **care and treatment**;

(iii) rendered by the hospital’s **emergency department** or the security thereof....

(c) “**Hospital personnel**” means a health care practitioner as defined in s. 456.001, an employee, an agent, or a volunteer who is employed, under contract, or otherwise authorized by a hospital, as defined in s. 395.002, to perform duties directly associated with the care and treatment rendered by any department of a hospital or with the security thereof....

(2) Whenever any person is charged with knowingly committing an **assault or battery** upon...an **emergency medical care provider**, **hospital personnel**...**while** the...emergency medical care provider, hospital personnel...is engaged in the lawful performance of his or her **duties**, the offense for which the person is charged shall be **reclassified** as follows:

(a) In the case of **assault**, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of **battery**, from a misdemeanor of the first degree to a felony of the third degree....

<sup>26</sup> Title 11 § 613.

<sup>27</sup> 784.07.

<sup>28</sup> “Assault” is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.” Section 784.011.

<sup>29</sup> “Battery means: (1) actually and intentionally touches or strikes another person against the will of the other; or (2) intentionally causes bodily harm to another person. Section 784.03.

(c) In the case of **aggravated assault**, from a felony of the third degree to a felony of the second degree....

(d) In the case of **aggravated battery**, from a felony of the second degree to a felony of the first degree.....

Notwithstanding s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.

**1.13 Georgia:** Note—the following text comes from recently-enacted HB 383 (2023) entitled the "**Safer Hospitals Act.**"

- (l) A person who commits the offense of aggravated assault upon:
  - (a) an **emergency health worker** or **healthcare worker**;
  - (b) while such worker is on a hospital **campus**;
  - (c) **to perform** official **duties** shall

upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years.<sup>30</sup>

"**Healthcare worker**" means any employee or independent contractor of a hospital or other healthcare facility licensed pursuant to Chapter 7 of Title 31."<sup>31</sup>

(1) "**Hospital**" shall have the same meaning as provided in Code Section 31-6-2.

(2) "**Hospital campus**" and "campus" mean the grounds and buildings owned or occupied by a hospital. Such term shall also include any **public or private** property within **100 yards** of the hospital campus and such portions of any public street or public sidewalk located on a hospital campus or immediately adjacent thereto.

(2) Definitions

(1) 'Hospital' shall have the same meaning as provided in Code Section 31-6-2.

(2) 'Hospital campus' and 'campus' mean the grounds and buildings owned or occupied by a hospital. Such term shall also include any public or private property within 100 yards of the hospital campus and such portions of any public street or public sidewalk located on a hospital campus or immediately adjacent thereto.

(3) 'Hospital peace officer' means an employee of a hospital whose duties include the enforcement of the laws of this state; the preservation of public order; the protection of life and property; the prevention, detection, or investigation of crime; or any combination thereof.<sup>32</sup>

(3) Hospital security personnel-law enforcement powers.

<sup>30</sup> Georgia Code 16-5-21

<sup>31</sup> Georgia Code section 16-5-19.

<sup>32</sup> Georgia Code section 16-54-1

(a) **On the campus** of a hospital, a **hospital peace officer** employed by such hospital who is certified as provided in subsection (b) of this Code section and who is authorized by the governing body or authority of such hospital shall have the **same law enforcement powers**, including the power of arrest, as a law enforcement officer of the local government with police jurisdiction over such hospital campus; **provided**, however, that in any action taken by a hospital peace officer pursuant to this subsection, such officer **shall relinquish** jurisdiction to a local law enforcement officer of the local government with police jurisdiction over such hospital campus **when feasible and as soon as practicable**; and provided, further, that in the case of arrests by hospital peace officers, such officers shall, as soon as practicable, deliver the arrested person or persons to the custody of the sheriff of the county wherein the offense was committed.

(b) **Certification requirements.** As a condition precedent to the exercise of law enforcement powers pursuant to subsection (a), a hospital peace officer must be certified by the Georgia Peace Officer Standards and Training Council as having met the qualifications and having completed the basic training requirements for a peace officer. All costs incurred in such certification and training shall be paid by the hospital employing such hospital peace officer.

(c) This Code section shall not prohibit a hospital from employing hospital security personnel without law enforcement powers.

(d) Hospital security personnel who are certified may be authorized by a hospital to carry a standard issue **firearm** or weapon generally used for law enforcement purposes for the purpose of carrying out law enforcement duties.<sup>33</sup>

(3) **Report required.** Each hospital which employs hospital peace officers shall report to the Georgia Bureau of Investigation and to the local law enforcement agency incidents of criminal gang activity, which occur on the campus of such hospital and of which such hospital becomes aware.<sup>34</sup>

#### 1.14 Hawaii.<sup>35</sup>

(1) A person commits the offense of assault in the second degree if:

- (f) Intentionally or knowingly causes **bodily injury** to any:
  - (i) **emergency medical services provider**;
  - (ii) who is engaged in the performance of **duty**.

"Emergency medical services provider" means emergency medical services personnel and **physicians**, physician's assistants, nurses, nurse practitioners, certified registered nurse anesthetists, respiratory therapists, laboratory technicians, radiology technicians, and social workers, providing services in the emergency room of a hospital....

(j) Intentionally or knowingly causes **bodily injury** to a **person who is engaged in the performance of duty at a health care facility** as defined in section 323D-2.

**"A person who is engaged in the performance of duty at a health care facility"** includes **physicians** and surgeons, podiatrists, dentists, psychologists, nurses,

<sup>33</sup> Georgia Code section 31-54-2

<sup>34</sup> Georgia Code section 31-54-3

<sup>35</sup> 707-711?

veterinarians, acupuncturists, massage therapists, naturopaths, chiropractors, pharmacists, physician assistants, surgical assistants, advanced practice registered nurses, nurse aides, respiratory therapists, laboratory technicians, and radiology technicians....

“**Health care facility**” includes hospitals, facilities that provide inpatient medical care and other related services for surgery or acute medical conditions or injuries (usually for a short-term illness or condition), extended care and rehabilitation centers, nursing homes, skilled nursing facilities, intermediate care facilities, hospices for the terminally ill that require licensure or certification by the department of health, kidney disease treatment centers including freestanding hemodialysis units, outpatient clinics, organized ambulatory health care facilities, emergency care facilities and centers, home health agencies, health maintenance organizations....

(k) Intentionally or knowingly causes bodily injury to a person who is engaged in providing **home health** care services, as defined in section 431:10H-201;

(l) Intentionally or knowingly causes bodily injury to a person, employed or contracted to work by a **mutual benefit society**, as defined in section 432:1-104, to provide **case management** services to an individual in a hospital, health care provider's office, or home, while that person is engaged in the performance of those services....

#### 1.15 Idaho.<sup>36</sup>

(A) Battery<sup>37</sup> Against Health Care Workers. Any person who commits battery as defined in section 18-903, Idaho Code, against or upon:

- (1) any person licensed, certified or registered by the state of Idaho to provide health care;
  - (a) when the victim is in the course of performing his or her **duties**; or
  - (b) because of the victim's **professional or employment status** under this statute, or
- (2) an employee of;
  - (a) a hospital, medical clinic or medical practice;
    - (i) when the victim is in the course of performing his or her **duties**; or
    - (ii) because of the victim's **professional or employment status** under this statute;

(B) shall be subject to imprisonment in the state prison not to exceed three (3) years.

#### 1.16 Illinois.<sup>38</sup>

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<sup>36</sup> 18-915C.

<sup>37</sup> A battery is any: (1) willful and unlawful use of force or violence upon the person of another; or (2) Actual, intentional and unlawful touching or striking of another person against the will of the other; or (3) Unlawfully and intentionally causing bodily harm to an individual. Section 18-903.

<sup>38</sup> 720 ILCS 5/12-3.05. 720 ILCS 5/12-3.05 also imposes higher penalties with respect to violence against an emergency management worker and emergency medical services personnel. “Emergency management worker” includes: (a) any person, paid or unpaid, who is a member of a local or county emergency services and disaster agency as defined by the Illinois Emergency Management Agency Act or who is an employee of the Illinois Emergency Management Agency or the Federal Emergency Management Agency; (b) any employee or volunteer of the American Red Cross; (c) any employee of a federal, State, county, or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as otherwise requested or directed in time of disaster or emergency; and (d) any person volunteering or directed to assist an

Offense based on status of victim. A person commits aggravated assault when, in committing an assault, he or she **knows** the individual assaulted to be any of the following....

(d)(11) A **nurse** while in the performance of his or her duties as a **nurse**.

In this case, aggravated battery is a Class 3 felony.

### 1.17 Indiana<sup>39</sup>

(A) Battery against an emergency **medical services provider**<sup>40</sup> (and other “public safety officials”).

(1) Definitions.

(a) "Public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an **emergency medical services provider**;
- (11) a judicial officer;
- (12) a bailiff of any court; or
- (13) a special deputy (as described in IC 36-8-10-10.6).

(c) Definition of “battery.” A battery occurs when a person:

- (1) **touches** another person in a **rude**, insolent, or angry manner; or

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emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency. See 720 ILCS 5/2-6.6. “Emergency medical services personnel” means “Emergency Medical Services personnel” or “EMS personnel” means persons licensed as an Emergency Medical Responder (EMR) (First Responder), Emergency Medical Dispatcher (EMD), Emergency Medical Technician (EMT), Emergency Medical Technician-Intermediate (EMT-I), Advanced Emergency Medical Technician (A-EMT), Paramedic (EMT-P), Emergency Communications Registered Nurse (ECRN), Pre-Hospital Registered Nurse (PHRN), Pre-Hospital Advanced Practice Registered Nurse (PHAPRN), or Pre-Hospital Physician Assistant (PHPA). See 210 ILCS 50/3.5.

<sup>39</sup> IC 35-42-2-1

<sup>40</sup> “Emergency medical services provider” means a firefighter, a law enforcement officer, a paramedic, an emergency medical technician, a physician licensed under IC 25-22.5, a nurse licensed under IC 25-23, or other person who provides emergency medical services in the course of the person's employment. Indiana Code section IC 16-41-10-1. The definition includes a staff member in the emergency department of a hospital. Indiana Code section 35-31.5-2-115.5. The definition was amended in 2023 to include “a staff member in the emergency department of a hospital.” See HB 1021 (2023).

(2) in a **rude**, insolent, or angry manner places any bodily **fluid or waste** on another person.

(e) An offense described in (c)(1) and (c)(2) is a Level 6 felony if the offense:

(1) results in **moderate bodily injury** to any other person; or

(2) the offense is committed against a public safety official **while** the official is engaged in the official's **official duty**.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in **serious bodily injury** to another person....

(5) The offense results in **bodily injury** to one (1) or more of the following:

(A) A public safety official **while** the official is engaged in the official's **official duties**.

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or **recklessly failed to know** that the **bodily fluid or waste** placed on another person was **infected** with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official....<sup>41</sup>

#### 1.18 Iowa.<sup>42</sup> Assaults on persons engaged in certain occupations.

(1) A person who commits an assault, as defined in section 708.1,<sup>43</sup> against:

(a) a...**health care provider**..., with the **knowledge** that the person against whom the assault is committed is a...health care provider; and

(b) with the **intent** to inflict a **serious injury** upon...the health care provider...is guilty of a class "D" felony.

<sup>41</sup> As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.30; Acts 1979, P.L.298, SEC.1; Acts 1979, P.L.83, SEC.10; Acts 1981, P.L.299, SEC.1; P.L.185-1984, SEC.1; P.L.205-1986, SEC.1; P.L.322-1987, SEC.1; P.L.164-1993, SEC.10; P.L.59-1995, SEC.2; P.L.31-1996, SEC.20; P.L.32-1996, SEC.20; P.L.255-1996, SEC.25; P.L.212-1997, SEC.1; P.L.37-1997, SEC.2; P.L.56-1999, SEC.1; P.L.188-1999, SEC.5; P.L.43-2000, SEC.1; P.L.222-2001, SEC.4; P.L.175-2003, SEC.2; P.L.281-2003, SEC.3; P.L.2-2005, SEC.125; P.L.99-2007, SEC.209; P.L.164-2007, SEC.1; P.L.120-2008, SEC.93; P.L.131-2009, SEC.73; P.L.114-2012, SEC.137; P.L.158-2013, SEC.420; P.L.147-2014, SEC.2; P.L.65-2016, SEC.33; P.L.80-2018, SEC.3; P.L.142-2020, SEC.63; P.L.209-2023, SEC.2.

<sup>42</sup> Iowa Code section 708.3A

<sup>43</sup> (2) A person commits an assault when, without justification, the person does any of the following: (a) Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; (b) Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act; or (c) Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

(2) Assault when a person **knows** the victim is a **health care provider** when a **dangerous weapon** is used or displayed.

(a) A person who commits an assault...a health care provider...who knows that the person against whom the assault is committed is a health care provider...and;

(b) who **uses or displays** a dangerous weapon in connection with the assault, is guilty of a class “D” felony.

(3) Assault when a person **knows** the victim is a **health care provider** and causes **bodily injury** or **mental illness**.

(a) A person who commits an assault against a...health care provider... who knows that the person against whom the assault is committed is a health care provider...and;

(b) who causes **bodily injury** or **mental illness**, is guilty of an aggravated misdemeanor.

(4) **Any other assault**...committed against a...health care provider...who knows that the person against whom the assault is committed is a...health care provider...is a serious misdemeanor.

(5) “**Health care provider**” means

(a) an emergency medical care provider, a **physician**, physician assistant, resident physician, or nurse;

(b) who is providing or who is attempting to provide emergency medical services...or

(c) who is providing or who is attempting to provide health services....in a hospital.

**Presumed knowledge.** A person who commits an assault...against a **health care provider** in a **hospital**, or at the scene or during out-of-hospital patient transportation in an ambulance, is **presumed to know** that the person against whom the assault is committed is a **health care provider**.

(6) “**Emergency medical services**” or “EMS” means an integrated medical care delivery system to provide emergency and nonemergency medical care at the scene or during out-of-hospital patient transportation in an ambulance.

(7) “**Health services**” means clinically related diagnostic, curative, or rehabilitative services, and includes alcoholism, drug abuse, and mental health services.

#### 1.19 Kansas.<sup>44</sup>

(a) Battery is:

(1) knowingly or recklessly causing **bodily harm** to another person;

(2) knowingly causing **physical contact** with another person when done in a **rude**, insulting or angry manner.

(g) Battery against a healthcare provider is a battery as defined in section (a) above committed against a healthcare provider **while** such provider is engaged in the performance of such provider's **duty**.

<sup>44</sup> S.B. 174 (2023) amending K.S.A. 2022 Supp. 21-5413

(h)(12) "**Healthcare provider**" means an individual who is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state.

Battery against a healthcare provider is a class A person misdemeanor.

## 1.20 Kentucky<sup>45</sup>

(1) A person is guilty of assault in the third degree when the actor:

(a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause **physical injury** to....

3. A **healthcare provider**...if the event occurs **while** the healthcare provider is providing medical care in an **emergency room** of a hospital;

(a) "**Healthcare provider**" means any individual who may be asked to participate in any way in a healthcare service, including but not limited to a **physician**; physician assistant; advanced practice registered nurse; nurse; nurse's aide; medical assistant; hospital employee; clinic employee; nursing home employee; pharmacist; pharmacy employee; researcher; medical or nursing school faculty or employee; or any professional, paraprofessional, or any other person who furnishes or assists in the furnishing of healthcare services.<sup>46</sup>

5. Paid or volunteer **emergency medical services** ...if the event occurs while personnel are performing job-related duties;

(a) "**Emergency medical services personnel**" means:

(i) Persons trained to provide emergency medical services and certified or licensed by the board under this chapter as an AEMT, APP, EMR, EMR instructor, EMT, EMT instructor, paramedic, or paramedic instructor; and

(ii) Authorized emergency medical services **medical directors** and mobile integrated healthcare program medical directors, whether on a paid or volunteer basis....<sup>47</sup>

## 1.21 Louisiana. Battery of emergency room personnel, emergency services personnel, or a healthcare professional<sup>48</sup>

A.

(1) Battery of **emergency room personnel, emergency services personnel**, or a **healthcare professional** is committed without the consent of the victim when the offender has **reasonable grounds to believe** that the victim is emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his **duties**.

(2) The use of force of violence upon:

(a) the person of emergency room **personnel, emergency services personnel**, or a **healthcare professional**;

<sup>45</sup> 508.025

<sup>46</sup> Kentucky Code section 311.821

<sup>47</sup> Kentucky Code section 311A.010

<sup>48</sup> Louisiana RS 14:34.8

- (b) **by throwing** feces, urine, blood, saliva, or any form of **human waste** by an offender;
- (c) while:
  - (i) the offender is **transported** to or from a medical facility; or
  - (ii) while being evaluated or treated **in a medical facility**;

shall also constitute battery of emergency room personnel, emergency services personnel, or a healthcare professional.

(3) **"Emergency room personnel"**

(a) includes a person in a hospital emergency department who, in the course and scope of his employment or as a volunteer, provides services or medical care, or who assists in the providing of services or medical care, for the benefit of the general public during emergency situations.

(b) "Emergency room personnel" shall include but not be limited to any healthcare professional, emergency department clerk, emergency department technician, student, and emergency department volunteer working in the hospital emergency department.

(4) **"Healthcare professional"** means a person licensed or certified by this state to provide healthcare or professional services as a **physician**, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, licensed radiologic technologist, licensed clinical laboratory scientist, licensed professional counselor, certified social worker, psychologist, patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, or **any other person** who otherwise assists in or supports the performance of healthcare services.

C.

(1)

(a) Whoever commits the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional shall be fined not more than one thousand dollars and imprisoned for not less than fifteen days nor more than six months. At least forty-eight hours of the sentence imposed shall be without benefit of suspension of sentence.

(b) Whoever commits a **second or subsequent offense** of battery of emergency room personnel, emergency services personnel, or a healthcare professional shall be fined not more than one thousand dollars and imprisoned, with or without hard labor, for not less than one year nor more than three years. At least forty-five days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(2)

(a) If the battery produces an **injury** that requires **medical attention**, the offender shall be fined not more than five thousand dollars and imprisoned with or without hard labor for not less than one year nor more than five years. At least sixty days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(b) If the battery produces an **injury** that requires **medical attention**, and the offense is a **second or subsequent offense**, the offender shall be fined not more than ten thousand dollars and shall be imprisoned with or without hard labor for not less than two

nor more than five years. At least ninety days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

## 1.22 Louisiana.<sup>49</sup>

A.

(1) Assault on **emergency room personnel, emergency services personnel, or a healthcare professional** is an assault committed when the offender has **reasonable grounds to believe** the victim is an emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his **duties**.

(2) For purposes of this Section:

(a) "**Assault**" shall have the same definition as in R.S. 14:36<sup>50</sup> but shall additionally include making **statements threatening physical** harm to an emergency room personnel, emergency services personnel, or a healthcare professional.

(b) "**Emergency room personnel**" includes:

(i) a person in a hospital emergency department who, in the course and scope of his employment or as a volunteer, **provides services** or medical care, **or who assists** in the providing of services or medical care, for the benefit of the general public during emergency situations.

(ii) "Emergency room personnel" shall include but not be limited to **any** healthcare professional, emergency department clerk, emergency department technician, student, and emergency department volunteer **working in the hospital emergency department**.

(c) "**Healthcare professional**" means a person licensed or certified by this state to provide healthcare or professional services as a **physician**, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, licensed radiologic technologist, licensed clinical laboratory scientist, licensed professional counselor, certified social worker, psychologist, patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, **or any other person** who otherwise assists in or supports the performance of healthcare services.

(3) Whoever commits the crime of assault on emergency room personnel, emergency services personnel, or a healthcare professional shall be fined not more than one thousand dollars or imprisoned for not less than thirty days nor more than one hundred eighty days, or both.

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<sup>49</sup> Louisiana RS 14:38.5

<sup>50</sup> Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery. R.S. 14:36. Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another. RS 14:33.

### 1.23 Maine. Assault on an emergency medical services person.<sup>51</sup>

1. A person is guilty of assault on an **emergency medical services person** if that person intentionally, knowingly or recklessly causes **bodily injury** to a person licensed pursuant to [Title 32, chapter 2-B](#) while that licensee is providing emergency medical care regardless of the location where the emergency medical care is provided.

(a) "**Emergency medical services' person**" means any person who routinely provides emergency medical treatment to the sick or injured.

(b) "**Emergency medical treatment**" means those skills, techniques and judgments, as defined by the board, which are directed to maintaining, improving or preventing the deterioration of the medical condition of the patient and which are appropriate to be delivered by trained persons at the scene of a patient's illness or injury outside the hospital and during transportation to the hospital.

3. Assault on an emergency medical services person is a Class C crime.

### 1.24 Maine. Assault in an emergency room.<sup>52</sup>

1. A person is guilty of assault in an emergency room if that person intentionally, knowingly or recklessly causes **bodily injury** to a person **employed or contracted** by a hospital licensed under Title 22, chapter 405 if the injury occurs **in** the hospital's designated **emergency room**.

2. Assault in an emergency room is a Class C crime.

### 1.25 Maryland<sup>53</sup>

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c)

(1) In this subsection, "physical injury" means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause **physical injury** to another if the person knows or **has reason to know** that the other is....

(iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services.

<sup>51</sup> Maine Code Title 17-A Part 2 Chapter 31 section 752-C. SECTION HISTORY PL 1997, c. 470, §1 (NEW). PL 2015, c. 471, §1 (AMD). PL 2023, c. 455, §1 (AMD).

<sup>52</sup> Maine Code Title 17-A Part 2 Chapter 31 section 752-F. SECTION HISTORY PL 2023, c. 455, §2 (NEW).

<sup>53</sup> Maryland Code section § 3-203.

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

## 1.26 Massachusetts<sup>54</sup>

- (1) Whoever commits an assault or an assault and battery on:
- (a) an emergency medical technician, an ambulance operator, an ambulance attendant or a **health care provider**;
  - (b) while the technician, operator, attendant or provider is **treating or transporting** a person in the **line of duty**,

shall be punished by imprisonment in the house of correction for not less than 90 days nor more than 2 and one-half years or by a fine of not less than \$500 nor more than \$5,000, or both.

(2) "Health care provider", means any **doctor of medicine, osteopathy**, or dental science, or a registered nurse, registered pharmacist, social worker, doctor of chiropractic, or psychologist...or a resident, fellow, or medical officer...or a hospital, clinic or nursing home...and its agents and employees, or a public hospital and its agents and employees.

## 1.27 Michigan<sup>55</sup>

Sec. 81.

(1) Except as otherwise provided in this section, a person who **assaults or assaults and batters** an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

- (a) **Health care professional**. If the victim of a violation under (1) is:
- (i) a **health professional** or medical volunteer **and** the violation occurs;
  - (ii) **while** the victim is performing the victim's **duties** as a health professional or medical volunteer;

the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

Exception. The enhanced fine under this subsection **does not apply if the defendant is a patient who is receiving treatment from the victim**.

**(7) Mandatory notice.** The operator of a **health facility** or **agency** or a **hospital** or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a **prominent** and visible **location** that provides that a person, other than a patient receiving treatment, who assaults a **health professional** or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(8) "Health professional" means an individual who:

<sup>54</sup> Section 13I

<sup>55</sup> Michigan Penal Code sections 750.81 and 750.81a. These sections were amended by HB 4520 (2023).

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- (a) is **employed** or **granted privileges** by or **under contract** with;
- (b) a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and
  - (i) whose duties within the scope of that employment, privilege, or contract involve the provision of **direct patient care** and require licensure, registration, certification, or other regulation..., or
  - (ii) who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(9) “Medical volunteer” means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

Sec. 81a.

(1) Except as otherwise provided in this section, a person who assaults an individual **without a weapon** and **inflicts serious or aggravated injury** upon that individual **without intending** to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(a) If the victim under (1) is a **health professional** or medical volunteer and the violation occurs while the victim is performing the victim’s **duties** as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

**Exception.** The enhanced fine under this subsection **does not apply if the defendant is a patient who is receiving treatment from the victim.**

(4) **Mandatory notice.** The operator of a **health facility** or **agency** or a **hospital** or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a **prominent** and visible **location** that provides that a person, other than a patient receiving treatment, who assaults a **health professional** or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

- (5) “**Health professional**” means an individual who:
- (a) is **employed** or **granted privileges** by or **under contract** with;
  - (b) a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and
    - (i) whose duties within the scope of that employment, privilege, or contract involve the provision of **direct patient care** and require licensure, registration, certification, or other regulation..., or
    - (ii) who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(6) “Medical volunteer” means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve

the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provide

Sec. 82.<sup>56</sup>

(1) A person who assaults... a **health professional** or **medical volunteer**...with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon **without intending** to commit murder or to inflict great bodily harm less than murder...is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$4,000.00, or both. The enhanced fine under this subsection does **not apply** if the defendant is a patient who is **receiving treatment** from the victim....

(3) **Mandatory notice.** The operator of a health facility or agency or a hospital or psychiatric hospital shall post a **sign** in the **health facility** or **agency** or **hospital** or psychiatric hospital in a **prominent** and **visible** location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the **enhanced fine** as provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(4) As used in this section:

(a) “Health facility or agency” means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(b) “**Health professional**” means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(c) “Hospital or psychiatric hospital” means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(d) “Medical volunteer” means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider....

## 1.28 Minnesota<sup>57</sup>

<sup>56</sup> Michigan Penal Code sections 750.82. These sections were amended by HB 4521 (2023).

<sup>57</sup> Section 609.2231

(A) Whoever assaults any of the following persons and **inflicts demonstrable bodily harm** is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both:

- (1) a member of a municipal or volunteer fire department or emergency medical services personnel unit in the performance of the member's duties; or
- (2) a **physician**, nurse, or **other person** providing health care services in a **hospital emergency department**.

### 1.29 Mississippi<sup>58</sup>

(1) Simple assault.

(a) A person is guilty of simple assault if he or she:

- (i) **attempts** to cause or purposely, knowingly or recklessly causes **bodily injury** to another; or...
- (iii) **attempts** by **physical menace** to put another in **fear** of **imminent serious bodily harm**; and,

upon conviction, he or she shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) However, a person convicted of **simple assault** upon any of the persons listed in **subsection (14)**...shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than five (5) years, or both.

**(i) Persons listed in subsection (14).** Persons listed in subsection (14) include, when acting within the scope of his or her **duty**, office or **employment** at the time of the assault, a emergency medical personnel; **health care provider**; **employees** of a health care provider or health care facility....

(2) Aggravated assault.

(a) A person is guilty of aggravated assault if he or she:

- (i) **attempts** to cause serious bodily injury to another, or causes such **injury** purposely, knowingly or recklessly under circumstances manifesting **extreme indifference** to the value of human life; or

- (ii) **attempts** to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or **serious bodily harm**; or...; and,

upon conviction, he or she shall be punished by imprisonment in the county jail for not more than one (1) year or sentenced to the custody of the Department of Corrections for not more than twenty (20) years.

(b) However, a person convicted of aggravated assault upon any of the persons listed in **subsection (14)**....shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both....

<sup>58</sup> MS Code § 97-3-7 (2020)

(i) **Persons listed in subsection (14).** Persons listed in subsection (14) include, when acting within the scope of his or her **duty**, office or **employment** at the time of the assault, a emergency medical personnel; **health care provider**; **employees** of a health care provider or health care facility....

**1.30 Missouri. Interference with a health care facility, offense of — workplace violence, hospital duties — violation, penalty.**

1. Except as otherwise protected by state or federal law, a person, **excluding** individuals seeking mental health, psychiatric, or psychological care or any person who is developmentally disabled as defined in section 630.005, commits the offense of **interference** with a health care facility if the person willfully or recklessly interferes with a **health care facility** or **employee** of a health care facility by:

- (1) Causing a **peace disturbance** while **inside** a health care facility;
- (2) **Refusing** an order to **vacate** a health care facility when requested to by any employee of the health care facility; or
- (3) **Threatening** to inflict injury on the **patients** or **employees**, or damage to the **property** of a health care facility.

2. Hospital **policies** shall address **incidents** of workplace violence against employees, including protecting an employee from **retaliation** when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, "**health care facility**" means a hospital that provides health care services directly to patients.<sup>59</sup>

**1.31 Missouri.<sup>60</sup> Interference with an ambulance service, offense of — violation, penalty — definition.**

1. Except as otherwise protected by state or federal law, a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance.

2. The offense of interference with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

3. As used in this section, "ambulance service" means a person or entity that provides emergency or nonemergency ambulance transportation and services, or both.<sup>61</sup>

**1.32 Missouri. (A) Assault, first degree, penalty. —**

<sup>59</sup> 574.203

<sup>60</sup> MO Code 574.204

<sup>61</sup> 574.204

1. A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly causes or **attempts** to cause **serious physical injury** to another person.

2. The offense of assault in the first degree is a class B felony unless... the victim of such assault is a **special victim**, in which case it is a class A felony.<sup>62</sup>

(a) The definition of “**special victim**” includes, but is not limited to, “emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official **duties** or as a **direct result** of such official duties...”<sup>63</sup>

### 1.33 Missouri. Assault, second degree, penalty.

1. A person commits the offense of assault in the second degree if he or she:

(1) **Attempts** to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) **Attempts** to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) **Recklessly causes** serious physical injury to another person; or

(4) **Recklessly causes** physical injury to another person by means of discharge of a firearm.

3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a **special victim**....<sup>64</sup>

(a) Definition. The definition of “**special victim**” includes, but is not limited to, “emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official **duties** or as a **direct result** of such official duties...”<sup>65</sup>

### 1.34 Missouri. Assault in the third degree.

1. A person commits the offense of assault in the third degree if he or she knowingly **causes physical injury** to another person.

2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a **special victim**...in which case it is a class D felony.<sup>66</sup>

(a) Definition. The definition of “**special victim**” includes, but is not limited to, “emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official **duties** or as a **direct result** of such official duties...”

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<sup>62</sup> 565.050

<sup>63</sup> Mo Code section 565.002. See Appendix for the full text.

<sup>64</sup> 565.052.

<sup>65</sup> Mo Code section 565.002. See Appendix for the full text.

<sup>66</sup> 565.054

**1.35 Missouri. Assault in the fourth degree.**

1. A person commits the offense of assault in the fourth degree if:
  - (3) The person purposely places another person in **apprehension** of immediate physical injury; or...
  - (6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.
2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor.
3. Violation of the provisions of...(3) or (6)... is a class C misdemeanor unless the victim is a special victim..., in which case a violation of such provisions is a class A misdemeanor.<sup>67</sup>
  - (a) Definition. The definition of “**special victim**” includes, but is not limited to, “emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official **duties** or as a **direct result** of such official duties...”<sup>68</sup>

**1.36 Missouri. Special victims — confidentiality of address or place of residence — use of initials in petition. —**

1. Any **special victim**...shall not be required to reveal any **current address** or place of residence except to the court **in camera** for the purpose of determining jurisdiction and venue.
2. Any **special victim**...may file a petition with the court alleging assault in any degree by using his or her identifying **initials instead of** his or her legal **name** if said petition alleges that he or she would be endangered by such disclosure.<sup>69</sup>
  - (a) Definition. The definition of “**special victim**” includes, but is not limited to, “emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official **duties** or as a **direct result** of such official duties...”<sup>70</sup>

**1.37 Montana.<sup>71</sup> Assault With Bodily Fluid**

- (1) A person commits the offense of assault with a **bodily fluid** if the person purposely causes one of the person's bodily fluids to make **physical contact** with:
  - (a) ...a **health care provider, including** a health care provider performing **emergency services**, while the health care provider is acting in the course and **scope** of the health care provider's profession and occupation:...

<sup>67</sup> 565.056<sup>68</sup> MO Code section 565.002. See Appendix for the full text.<sup>69</sup> MO Code section 565.058<sup>70</sup> MO Code section 565.002. See Appendix for the full text.<sup>71</sup> Montana Code 45-5-214

(ii) **while** the person is incarcerated in or being **transported** to or from a state prison, a county, city, or regional jail or detention facility, or a **health care facility**;...

(b) an emergency responder.

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both....

(4) As used in this section, the following definitions apply:

(i) **"Bodily fluid"** means any bodily secretion, including but not limited to feces, urine, blood, and saliva.

(ii) **"Emergency responder"** means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency care provider, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident.

(iii) **"Health care provider"** or "provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession.

### 1.38 Nebraska. Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree; penalty.<sup>72</sup>

(1) A person commits the offense of assault on...an emergency responder...or a health care professional in the first degree if:

(a) He or she intentionally or knowingly causes **serious bodily injury**:

(i) To...an emergency care provider;...or

(iii) To a **health care professional**; and

(b) The offense is committed while such...**emergency care provider**, or...while the **health care professional** is on **duty** at a **hospital** or a **health clinic**.

(2) Assault on...an emergency responder,...or a health care professional in the first degree shall be a Class ID felony.

(3) Definitions. For purposes of sections [28-929](#), [28-929.02](#), [28-930](#), [28-931](#), and [28-931.01](#):

(1) Emergency care responder means (a) an emergency medical responder; (b) an emergency medical technician; (c) an advanced emergency medical technician; (d) a community paramedic; (e) a critical care paramedic; or (f) a paramedic, as those persons are licensed and classified under the Emergency Medical Services Practice Act;

<sup>72</sup> Nebraska Revised Statute 28-929.

(2) **Health care professional** means a **physician** or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who **practices** at a hospital or a health clinic;

(3) Health clinic has the definition found in section [71-416](#); and

(4) Hospital has the definition found in section [71-419](#).

**1.39 Nebraska. Assault on an emergency care provider or a health care professional; terms, defined.**<sup>73</sup>

For purposes of sections [28-929](#), [28-929.02](#), [28-930](#), [28-931](#), and [28-931.01](#):

(1) Emergency care provider means (a) an emergency medical responder; (b) an emergency medical technician; (c) an advanced emergency medical technician; (d) a community paramedic; (e) a critical care paramedic; or (f) a paramedic, as those persons are licensed and classified under the Emergency Medical Services Practice Act;

(2) **Health care professional** means a physician or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who practices at a hospital or a health clinic;

(3) Health clinic has the definition found in section [71-416](#); and

(4) Hospital has the definition found in section [71-419](#).

**1.40 Nebraska. Assault on a health care professional; hospital and health clinic; sign required.**<sup>74</sup>

**Mandatory notice.** Every hospital and health clinic shall display at all times in a prominent place a printed sign with a minimum height of twenty inches and a minimum width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

WARNING: ASSAULTING A **HEALTH CARE PROFESSIONAL** WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH CARE PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE PUNISHABLE AS A FELONY.

**Health care professional** means a **physician** or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who **practices** at a hospital or a health clinic....<sup>75</sup>

**1.41. Nebraska. Assault on an officer, an emergency responder, certain employees, or a health care professional in the second degree; penalty.**<sup>76</sup>

(1) A person commits the offense of assault on..., an emergency responder,...or a **health care professional** in the second degree if:

<sup>73</sup> Nebraska Revised Statute 28-929.01

<sup>74</sup> 28-929.02 amended by LB 619 (2023)

<sup>75</sup> Nebraska Revised Statute 28-929.01

<sup>76</sup> 28-930 amended by LB 619 (2023)

(a) He or she:

(i) Intentionally or knowingly causes **bodily injury** with a **dangerous instrument**:

(A) To...an emergency care provider or an employee of the Department of Correctional Services;...

(C) To a **health care professional**; or

(ii) Recklessly causes **bodily injury** with a **dangerous instrument**:

(A) To...an emergency care provider,...or

(C) To a **health care professional**; and

(b) The offense is committed **while** such officer,...the **health care professional** is on **duty** at a **hospital** or a **health clinic**.

(c) **Health care professional** means a **physician** or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who **practices at** a hospital or a health clinic....<sup>77</sup>

(2) Assault on...an emergency responder,...or a health care professional in the second degree shall be a Class II felony.

**1.42. Nebraska. Assault on an officer, an emergency responder, certain employees, or a health care professional in the third degree; penalty.<sup>78</sup> if:**

(1) A person commits the offense of assault on...an emergency responder,...or a **health care professional** in the third degree if:

(a) He or she intentionally, knowingly, or recklessly causes **bodily injury**:

(i) To...an emergency care provider...; or

(iii) To a **health care professional**; and

(b) The offense is committed while such...emergency care provider...or while the **health care professional** is on **duty** at a **hospital** or a **health clinic**.

<sup>77</sup> Nebraska Revised Statute 28-929.01

<sup>78</sup> Nebraska Revised Statute 28-931 amended by LB 619 (2023)

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(c) **Health care professional** means a **physician** or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who **practices at** a hospital or a health clinic....<sup>79</sup>

(2) Assault on...an emergency responder...or a health care professional in the third degree shall be a Class IIIA felony.

**1.43 Nebraska.<sup>80</sup> Assault on an officer, an emergency responder, certain employees, or a health care professional using a motor vehicle; penalty.**

(1) A person commits the offense of assault on...an emergency responder...or a health care professional using a motor vehicle if:

(a) By using a motor vehicle to run over or to strike an...emergency responder...or a health care professional or by using a motor vehicle to collide with an...an emergency responder's...or a health care professional's motor vehicle, he or she intentionally and knowingly causes bodily injury:

(i) To...an emergency care provider...or;

(iii) To a health care professional; and

(b) The offense is committed while such...emergency care provider...or while the **health care professional** is on **duty** at a **hospital** or a **health clinic**.

(c) **Health care professional** means a **physician** or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who **practices at** a hospital or a health clinic....<sup>81</sup>

(2) Assault on an... emergency responder...or a health care professional using a motor vehicle shall be a Class IIIA felony.

**1.44 Nebraska. Assault with a bodily fluid against a public safety officer; penalty; order to collect evidence<sup>82</sup>**

(1) Any person who knowingly and intentionally strikes any **public safety officer** with any **bodily fluid** is guilty of assault with a bodily fluid against a public safety officer.

(2) Except as provided in subsection (3) of this section, assault with a bodily fluid against a public safety officer is a Class I misdemeanor.

(3) Assault with a bodily fluid against a public safety officer is a Class IIIA felony if the person committing the offense strikes with a bodily fluid the eyes, mouth, or skin of a public safety officer and knew the source of the bodily fluid was infected with the human immunodeficiency virus, hepatitis B, or hepatitis C at the time the offense was committed....

(5) As used in this section:

<sup>79</sup> Nebraska Revised Statute 28-929.01

<sup>80</sup> Nebraska Revised Statute 28-931.01.

<sup>81</sup> Nebraska Revised Statute 28-929.01

<sup>82</sup> Nebraska Revised Statute 28-934 amended by LB 619 (2023)

(a) **Bodily fluid** means any naturally produced secretion or waste product generated by the human body and shall include, but not be limited to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal fluid, or feces; and

(b) **Public safety officer** includes any of the following persons who are engaged in the performance of their official **duties** at the time of the offense:...a **health care professional**....

(c) **Health care professional** means a **physician** or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who **practices at** a hospital or a health clinic....<sup>83</sup>

#### 1.45 Nevada.<sup>84</sup> **Assault: Definitions; penalties.**

1. As used in this section:

(a) “Assault” means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm....

(c) “**Health care facility**” means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(e) “**Provider of health care**” means:

(1) A **physician, a medical student**, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; **or**

<sup>83</sup> Nebraska Revised Statute 28-929.01

<sup>84</sup> 200.471 amended by SB 289 (2023).

(2) An **employee** of or **volunteer** for a **health care facility** who:

(I) **Interacts** with the public;

(II) **Performs tasks** related to providing health care; and

(III) **Wears identification**, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

3. If the assault is committed upon a...provider of health care:

(a) while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty;

(b) the person charged knew or should have known that the victim was a...provider of health care...

for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.<sup>85</sup>

#### 1.46 Nevada.<sup>86</sup> **Battery: Definitions; penalties.**

1. As used in this section:

(a) “Battery” means any willful and unlawful use of force or violence upon the person of another....

(d) “**Health care facility**” means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(f) “Provider of health care” means:

(i) A **physician, a medical student**, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician,

<sup>85</sup> NRS section 200.471(2)(c) amended by SB 289 (2023).

<sup>86</sup> NRS section 200.481 amended by SB 289 (2023).

a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(ii) An **employee** of or **volunteer** for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

2. Except as otherwise provided in [NRS 200.485](#), a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(c) If:

(1) The battery is committed upon...A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty;....

(2) The...provider of health care...suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an...provider of health care,  
for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon...

(1) a provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty....and;

(2) The person charged knew or should have known that the victim was...provider of health care... for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section....[for example, battery with a deadly weapon].

#### 1.47 New Hampshire.<sup>87</sup> Extended Term of Imprisonment.

I. A convicted person may be sentenced according to paragraph III if the jury also finds beyond a reasonable doubt that such person....

(g) Has knowingly committed or attempted to commit any of the crimes defined in RSA 631 where he or she knows the victim was, at the time of the commission of the crime, a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, or licensed emergency medical care provider as defined in RSA 153-A:2, V acting in the line of duty....

<sup>87</sup> RSA 651:6

**1.48 New Jersey. Aggravated assault.<sup>88</sup> (“Health Care Heroes Violence Prevention Act.”)**

(A) Simple assault. A person is guilty of assault if the person:

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

(5) A person is guilty of aggravated assault if the person.... commits a simple assault as defined in paragraph (A)(1), (2), or (3) upon:

(J) Any **health care worker employed** by a licensed health care facility to **provide direct** patient care, any **health care professional** licensed or otherwise authorized...to practice a health care profession....

(1) "**Health care professional**" means a person licensed or otherwise authorized...to practice a health care profession that is regulated by...by one of the following boards: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the New Jersey State Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy, the State Board of Respiratory Care, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Social Work Examiners, the State Board of Veterinary Medical Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the State Board of Marriage and Family Therapy Examiners, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee.<sup>89</sup>

**1.49 New Jersey: Defendant, assault, health care professional, health care facility volunteer, employee, anger management course.<sup>90</sup> (“Health Care Heroes Violence Prevention Act.”)**

4.

a. In addition to any fine imposed pursuant to N.J.S.2C:43-3 or any term of imprisonment pursuant to N.J.S.2C:43-6, the court may order any defendant who commits an assault<sup>91</sup> pursuant to N.J.S.2C: 12-1 against any:

- (i) **health care professional**;
- (ii) **volunteer** working for a health care professional or working at a health care facility,

<sup>88</sup> NJ Code 2C:12-1

<sup>89</sup> NJ Code 45:1-34

<sup>90</sup> A person is guilty of assault if the person: (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or (2) Negligently causes bodily injury to another with a deadly weapon; or (3) Attempts by physical menace to put another in fear of imminent serious bodily injury. Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

<sup>91</sup> NJ Code 2C:12-1

- (iii) supportive services **staff member** working for a health care professional or working at a health care facility; or
- (iv) **employee** of a health care professional or health care facility;

**while** the health care professional, volunteer, supportive services staff member, or employee is performing official **duties**, to satisfactorily complete an **anger management** course.

(1) "**Health care professional**" means a person licensed or otherwise authorized...to practice a health care profession that is regulated by...by one of the following boards: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the New Jersey State Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy, the State Board of Respiratory Care, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Social Work Examiners, the State Board of Veterinary Medical Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the State Board of Marriage and Family Therapy Examiners, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee.<sup>92</sup>

b. The court may order a defendant to participate in an anger management course of up to 12 months duration pursuant to this section.

c. A defendant shall pay the enrollment cost of an anger management course ordered pursuant to this section.

d. A defendant sentenced to an anger management course pursuant to this section shall have one year to comply with the court order. Failure to satisfactorily complete the course within one year shall constitute a violation of the order. Any defendant who fails to comply with the court order requiring an anger management course may be subject to an additional penalty of up to \$500.

e. The Administrative Office of the Courts shall develop and approve a list of eligible anger management courses that may provide anger management services to any person ordered to participate pursuant to this section.

f. The Administrative Office of the Courts shall establish standards and procedures for certification of anger management courses required pursuant to this section.<sup>93</sup>

**1.50 New Jersey.** 2C :12-1c Convicted defendant, assault, health care professional, health care facility volunteer, employee, community service. ("**Health Care Heroes Violence Prevention Act.**")

5.

- a. Notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or any fine imposed pursuant to N.J.S.2C:43-3, a defendant convicted of assault, pursuant to N.J.S.2C:12-1 , against any:
  - (i) health care professional,

<sup>92</sup> NJ Code 45:1-34

<sup>93</sup> 2C:12-1b. A 3199 (2023)

- (ii) volunteer working for a health care professional or working at a health care facility,
- (iii) supportive services staff member working for a health care professional or working at a health care facility, or
- employee of a health care professional or health care facility,

while the health care professional, volunteer, supportive services staff member, or employee is performing official duties, may be sentenced to community service.

(1) "**Health care professional**" means a person licensed or otherwise authorized...to practice a health care profession that is regulated by...by one of the following boards: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the New Jersey State Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy, the State Board of Respiratory Care, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Social Work Examiners, the State Board of Veterinary Medical Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the State Board of Marriage and Family Therapy Examiners, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee.<sup>94</sup>

b. The court may order the defendant to perform community service pursuant to this section in lieu of part of the defendant's period of incarceration. The court may impose a term of community service of up to 30 days.

c. The Administrative Office of the Courts shall establish standards and procedures for the certification of community service organizations and providers to which a defendant may be sentenced pursuant to this section.<sup>95</sup>

### **1.51 New Jersey. Disorderly persons offense, threat, health care professional, health care facility volunteer, employee; definitions. ("Health Care Heroes Violence Prevention Act.")**

3.

a. A person commits a disorderly persons offense if the person **orally or in writing** knowingly and willfully makes

(1) a threat against any:

- (a) health care professional,
- (b) volunteer working for a health care professional or working at a health care facility,
- (c) supportive services staff member working for a health care professional or working at a health care facility, or
- (d) employee of a health care professional or health care facility,

(2) with the intent to **intimidate, interfere** with, or **impede** the health care professional, volunteer, supportive services staff member, or employee in the performance of the health care professional's, volunteer's, supportive services staff member's, or employee's

<sup>94</sup> NJ Code 45:1-34

<sup>95</sup> 2C:12-1c. A 3199 (2023)

official **duties**; or

(3) knowingly sends, delivers, or makes for the purpose of **sending** or **delivering** a **threat** prohibited pursuant to paragraph (1) of this subsection.

b. For the purposes of this section:

(1) "**Health care professional**" means a person licensed or otherwise authorized...to practice a health care profession that is regulated by...by one of the following boards: the **State Board of Medical Examiners**, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the New Jersey State Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy, the State Board of Respiratory Care, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Social Work Examiners, the State Board of Veterinary Medical Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the State Board of Marriage and Family Therapy Examiners, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee.<sup>96</sup>

(2) "**Health care facility**" means a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).<sup>97</sup>

### 1.52 New Jersey. Criteria, withholding, imposing sentences, imprisonment.<sup>98</sup> ("Health Care Heroes Violence Prevention Act.")

a. In determining the **appropriate sentence** to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor in committing the offense, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30 of this title, or the defendant took advantage of a position of trust or confidence to commit the offense;

<sup>96</sup> NJ Code 45:1-34

<sup>97</sup> 2C:12-3.1. A 3199 (2023)

<sup>98</sup> N.J.S.2C:44-1 A 3199 (2023)

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which the defendant has been convicted;

(7) The defendant committed the offense pursuant to an agreement to either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against... any health care professional, volunteer working for a health care professional or working at a health care facility, supportive services staff member working for a health care professional or working at a health care facility, or employee of a health care professional or health care facility, while the health care professional, volunteer, supportive services staff member, or employee is performing official **duties**.

For the purposes of this paragraph, "health care facility" and "health care professional" mean the same as those terms are defined in subsection b. of section 3 of P.L.2023, c.48 (C.2C:12-3.1)....

#### 1.53. New Mexico.<sup>99</sup> 30-3-9.2. Assault; battery; health care personnel.

(A) **Assault** upon a **health care worker** consists of:

(1) an **attempt** to commit a battery upon the person of a health care worker who is in the lawful discharge of the health care worker's **duties**.

(a) Battery is:

(i) the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner; or

(ii) any unlawful act, threat or menacing conduct that causes a health care worker who is in the lawful discharge of the health care worker's duties to reasonably believe that the health care worker is in danger of receiving an immediate battery.

Whoever commits assault upon a health care worker is guilty of a misdemeanor.

(B) **Aggravated assault** upon a health care worker consists of:

(1) unlawfully assaulting or striking at a health care worker with a **weapon** while the health care worker is in the lawful discharge of the health care worker's **duties** (whoever commits aggravated assault upon a health care worker is guilty of a third degree felony); or

(2) willfully and intentionally assaulting a health care worker who is in the lawful discharge of the health care worker's duties with **intent to commit any felony**.

(a) Assault with **intent to commit a violent felony** upon a health care worker consists of assaulting a health care worker who is in the lawful discharge of the health care worker's

<sup>99</sup> 30-3-9.2.

duties with intent to kill the health care worker (whoever commits assault with intent to commit a violent felony upon a health care worker is guilty of a second degree felony).

E. Battery upon a health care worker is the unlawful, intentional touching or application of force to the person of a health care worker who is in the lawful discharge of the health care worker's duties, when done in a rude, insolent or angry manner.

(1) Whoever commits battery upon a health care worker is guilty of a fourth degree felony.

F. **Aggravated battery** upon a health care worker consists of the unlawful touching or application of force to the person of a health care worker with intent to injure that health care worker while the health care worker is in the lawful discharge of the health care worker's duties.

(1) Whoever commits aggravated battery upon a health care worker, inflicting an injury to the health care worker that is not likely to cause death or great bodily harm but does cause painful temporary **disfigurement** or temporary **loss** or **impairment** of the functions of any member or organ of the body, is guilty of a fourth degree felony.

(2) Whoever commits aggravated battery upon a health care worker, inflicting **great bodily harm** or does so with a **deadly weapon** or in any manner whereby great bodily harm or death can be inflicted, is guilty of a third degree felony.

G. A **person who assists** or is assisted by one or more other persons to commit a battery upon a health care worker who is in the lawful discharge of the health care worker's duties is guilty of a fourth degree felony.

F.

(1) **"Health facility"** means a public or private hospital, outpatient facility, diagnostic and treatment center, rehabilitation center or infirmary. "Health facility" also includes those facilities that, by federal regulation, must be licensed by the state to obtain or maintain full or partial, permanent or temporary federal funding, but "health facility" does not include a skilled nursing facility, a nursing facility or other long-term residential care facility.

(2) **"Health care worker"** means an employee of a health facility or a licensed emergency medical technician; and

(3) "In the lawful discharge of the health care worker's duties" means **engaged in the performance** of the duties of a health care worker.

#### 1.54. New York

Assault in the second degree<sup>100</sup>

A person is guilty of assault in the second degree when....

<sup>100</sup> Penal Law Section 120.05

3. With intent to prevent a...registered nurse, licensed practical nurse... medical or related personnel in a hospital emergency department...from performing a lawful duty...he or she causes physical injury to such...registered nurse, licensed practical nurse...or medical or related personnel in a hospital emergency department....

3-c. With intent to **prevent** an **employee** providing **direct patient care**, who is **not a nurse**...whose principal employment responsibility is to carry out direct patient care for one or more patients in any hospital, nursing home, residential health care facility, general hospital, government agency including any chronic disease hospital, maternity hospital, outpatient department, emergency center or surgical center...from **performing** a lawful **duty**, he or she causes **physical injury** to such employee providing direct patient care; or...

11-c. With intent to **cause physical injury** to an **employee** providing **direct patient care**, who is **not a nurse**...whose principal employment responsibility is to carry out direct patient care for one or more patients in any hospital, nursing home, residential health care facility, general hospital, government agency including any chronic disease hospital, maternity hospital, outpatient department, emergency center or surgical center...he or she causes **physical injury** to such employee providing direct patient care while such employee is performing a lawful duty...or

Assault in the second degree is a class D felony.

#### 1.55 North Carolina.<sup>101</sup> **Assault or affray on a firefighter, an emergency medical technician, medical responder medical practice and hospital personnel.**

(a) A person is guilty of a Class I felony if the person commits an assault or affray causing physical injury on any of the following persons who are discharging or attempting to discharge their official **duties**:

- (1) An emergency medical technician or other emergency health care provider.
- (2) A medical responder.
- (3) Hospital employee, medical practice employee, and licensed health care provider or individual under contract to provide services at a hospital or medical practice...
- (6) Hospital security personnel.

(b) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class G felony if the person violates subsection (a) of this section and (i) inflicts **serious bodily injury** or (ii) uses a **deadly weapon other than** a firearm.

(c) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class E felony if the person violates subsection (a) of this section and uses a **firearm**.

#### 1.56 Aggravated and mitigated sentences.<sup>102</sup>

(a) Generally, Burden of Proof. – The court shall consider evidence of aggravating or mitigating factors present in the offense that make an aggravated or mitigated sentence appropriate, but

<sup>101</sup> 14-34.6 amended by HB 125 (2023)

<sup>102</sup> § 15A-1340.16 amended by HB 125 (2023)

the decision to depart from the presumptive range is in the discretion of the court. The State bears the burden of proving beyond a reasonable doubt that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.

(d) Aggravating Factors. – The following are aggravating factors....

(10a) The defendant committed the offense on the **property** of a **hospital** as defined in G.S. 131E-76.

(10b) The defendant committed the offense on the property of a **medical practice** which is defined as a professional corporation organized under or subject to Chapter 55B of the General Statutes and registered with the North Carolina Medical Board....

#### 1.57 North Dakota.12.1-17-01. Simple assault.

1. A person is guilty of an offense if that person: a. Willfully causes bodily injury to another human being; or b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

2. The offense is:

(a) A class C felony when the victim is a...emergency medical services personnel unit or **emergency department worker** in the performance of the member's **duties**.

(b) A class B misdemeanor except as provided in subdivision a.

#### 1.58 North Dakota.12.1-17-11. Contact by bodily fluids or excrement.

1. An individual is guilty of an offense if the individual causes blood, emesis, excrement, mucus, saliva, semen, vaginal fluid, or urine to come in contact with:...

f. A **health care facility employee** or **contractor** acting within the **scope** of employment **unless** the employee or contractor is performing an act within the scope of employment which **requires** or causes the contact; or

g. An emergency responder, including a licensed **medical services provider**...emergency medical technician, emergency nurse, ambulance operator, or a provider of civil defense services, who while acting in the scope of employment is present at a health care facility.

2. Subsection 1 does **not apply** to a **mentally ill** person as defined in section 25-03.1-02 who has been detained pursuant to chapter 25-03.1.

(a) "**Mentally ill person**" or "**person who is mentally ill**" means an individual with an organic, mental, or emotional disorder that substantially impairs the capacity to use self-control, judgment, and discretion in the conduct of personal affairs and social relations. The term does not include an individual with an intellectual disability of significantly subaverage general intellectual functioning that originates during the developmental period and is associated with impairment in adaptive behavior, although an individual who is intellectually disabled may also be a person who is mentally ill. A substance use disorder does not per se

constitute mental illness, although an individual with a substance use disorder may also be a person who is mentally ill, who has been detained pursuant to chapter 25-03.1.

3. The offense is a class **C felony** if the individual **knowingly** causes the contact and is a **class A misdemeanor** if the individual **recklessly** causes the contact.

4. As used in this section, "**health care facility**" means an **office** or **institution** providing **health care services** or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including a hospital; clinic; ambulatory surgery center; outpatient care facility; weight control clinic; nursing home; basic care or assisted living facility; laboratory; or office of any **medical professional** licensed or registered under title 43 or any individual who is included within a specialty and subspecialty of those fields. The term includes a waiting room, hallway, private room, semiprivate room, ward, and any mobile or temporary facility.

### 1.58 Ohio<sup>103</sup>

(C)(8)

(a) If the victim of the assault is a **health care professional** of a hospital, a **health care worker** of a hospital, or a **security officer** of a hospital;

(b) whom the offender knows or has **reasonable cause to know** is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital;

(c) if the victim is engaged in the performance of the victim's **duties**; and

(d) if the hospital offers de-escalation or **crisis intervention training** for such professionals, workers, or officers, assault is one of the following....

Assault committed under (8) is a misdemeanor of the first degree. In sentencing the offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars. However, if the offender previously has been convicted of or pleaded guilty to one or more **assault or homicide offenses committed against hospital personnel**, assault committed in the specified circumstances is a felony of the fifth degree....

(ii) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section [2903.01](#), [2903.02](#), [2903.03](#), [2903.04](#), [2903.041](#), [2903.11](#) (felonious assault), [2903.12](#) (aggravated assault), or [2903.14](#)<sup>104</sup> ((negligent assault) of the Revised Code committed in circumstances in which all of the following apply:

<sup>103</sup> 2903.13

<sup>104</sup> These respective sections cover murder; aggravated murder; voluntary manslaughter; involuntary manslaughter; reckless homicide; felonious assault; aggravated assault; and negligent assault.

(\*) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(\*\*) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(\*\*\*) The victim was engaged in the performance of the victim's duties.

(\*\*\*\*) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers....

(iii) **"De-escalation or crisis intervention training"** means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.

(5) **"Health care professional"** means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) **Physicians** authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;

(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;

(f) Chiropractors licensed under Chapter 4734. of the Revised Code;

(g) Optometrists licensed under Chapter 4725. of the Revised Code;

(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;

(i) Dietitians licensed under Chapter 4759. of the Revised Code;

(j) Pharmacists licensed under Chapter 4729. of the Revised Code;

(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;

(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;

(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;

(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;

(o) Psychologists licensed under Chapter 4732. of the Revised Code;

(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter.

(6) "**Health care worker**" means a person **other than** a health care professional who provides medical, dental, or other health-related care or treatment under the **direction** of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.

(7) Under **assault**: (a) no person shall knowingly cause or attempt to cause physical harm to another or to another's unborn; (b) No person shall recklessly cause serious physical harm to another or to another's unborn.

#### **1.60 Oklahoma.** Delaying, obstructing or interfering with emergency medical technician or other emergency medical care provider--Punishment

(A) Every person who willfully delays, obstructs or in any way **interferes** with an emergency medical technician or other **emergency medical care provider** in the **performance of** or attempt to perform emergency medical care and treatment **or in going to or returning** from the scene of a medical emergency, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.<sup>105</sup>

(A\*) Assault and battery upon emergency medical care provider.<sup>106</sup>

(1) Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault<sup>107</sup>, battery<sup>108</sup> or assault and battery upon the person of a **medical care provider** who is performing medical care **duties**, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

(2) As used in this section, "**medical care provider**" means **doctors, residents**, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists,

<sup>105</sup> Section 650.3

<sup>106</sup> 21-650.4 and amended by HB 2154 (2023)

<sup>107</sup> "Assault" means "any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another." Section 21-641.

<sup>108</sup> "Battery" is "any willful and unlawful use of force or violence upon the person of another." Section 21-642.

physician assistants, chaplains, volunteers, pharmacists, nursing students, **medical students**, members of a hospital **security** force, and any **other employees** working in or for a **health care facility** or **independent contractors** in one of the listed categories.

(B) Aggravated assault and battery or assault<sup>109</sup> with firearm or other dangerous weapon upon medical care provider - Penalty.<sup>110</sup>

(1) Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other **deadly weapon** upon the person of a **medical care provider**, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than five (5) years, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

(2) As used in this section, “**medical care provider**” means **doctors, residents**, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, **medical students**, members of a hospital **security** force, and any other **employees** or **independent contractors** working in or for a **health care facility**.

**(C) Hospitals, health clinics and ambulance services – Display of sign warning of crime for assaulting medical professional – Reporting for assaults on medical care providers.**<sup>111</sup>

Every hospital, health clinic and ambulance service shall display at all times in a prominent place a printed sign with a minimum height of twenty (20) inches and a minimum width of fourteen (14) inches, with each letter to be a minimum of one fourth (1/4) inch in height, which shall read as follows:

WARNING: ASSAULTING A MEDICAL PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A SERIOUS CRIME.

B. Every hospital, health clinic and ambulance service shall report by January 31 all assaults for the prior year on all medical care providers in the facility, on facility property, or while performing duties in an official capacity to the State Department of Health on an annual basis without any identifying information regarding the individual who was assaulted or who committed the assault. The following data shall be provided to the Department: 1. An aggregate number of individuals assaulted annually; 2. The type of assault, either verbal, physical, and/or sexual; 3. Role of the perpetrator, either coworker, patient, or patient's family; and 4. Location of the assault.

The State Department of Health shall have rulemaking authority to implement the provisions of this section.

<sup>109</sup> An assault and battery becomes aggravated: (1) when great bodily injury is inflicted upon the person assaulted; or (2) when committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated. “Great bodily injury” means

bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental

faculty, or substantial risk of death. Section 21-646.

<sup>110</sup> §21-650.5 and amended by HB 2154 (2023).

<sup>111</sup> 63-1-114.3 amended by HB 2154 (2023).

C. The State Department of Health shall not make public any identifiable information in regard to facility, individual or location of assaults, if such information is received. The Department shall publish on its website, on an annual basis, aggregate numbers for the data collected pursuant to subsection B of this section.

#### 1.61 Oregon. Assault in the third degree.

(1) A person commits the crime of assault in the third degree if the person...

(g) Intentionally, knowingly or recklessly causes physical injury to an **emergency medical services provider**, as defined in ORS 682.025, while the emergency medical services provider is performing official **duties**....

(2)

(a) Assault in the third degree is a Class C felony.

#### 1.62 Oregon. Unlawful use of an electrical stun gun, tear gas or mace in the first degree.

(1) A person commits the crime of unlawful use of an electrical stun gun, tear gas or mace in the first degree if the person knowingly discharges or causes to be discharged any electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent against another person, **knowing** the other person to be a...**emergency medical services provider** and while the other person is acting in the course of official **duty**.

(2) Unlawful use of an electrical stun gun, tear gas or mace in the first degree is a Class C felony. [1995 c.651 §3; 2011 c.703 §50]

#### 1.63 Pennsylvania.

(A) A person is guilty of aggravated assault if he....

(2) attempts to cause or intentionally, knowingly or recklessly causes **serious bodily injury** to any of the **officers, agents, employees or other persons** or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of **duty**;

(3) attempts to cause or intentionally or knowingly causes **bodily injury** to any of the **officers, agents, employees or other persons** in the performance of **duty**....

(6) attempts by **physical menace** to put any of the **officers, agents, employees or other persons**, while in the performance of **duty**, in **fear** of imminent serious bodily injury;

(7) uses tear or **noxious gas** as defined in section 2708(b) (relating to use of tear or noxious gas in labor disputes) or uses an electric or **electronic** incapacitation device against any **officer, employee or other person** while acting in the scope of his **employment**....

(B) “**Officers, agents, employees or other persons**” includes a “health care practitioner or technician.” There are (39) categories of individuals who fall under the definition of “officers, agents, employees or other persons.” Included within these 39 categories are “**emergency medical services personnel**,” “**health care practitioner**,” or “technicians.” PA Code section 2702(c).

(1) **"Emergency medical services personnel"** includes, but is not limited to, **doctors, residents**, interns, registered nurses, licensed practical nurses, nurse aides, ambulance attendants and operators, paramedics, emergency medical technicians and members of a **hospital security** force while working within the scope of their **employment**.

(2) **"Health care practitioner."** An individual who is authorized to practice some component of the **healing arts** by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board.

(3) **"Technician."** A person, other than a health care practitioner or physician assistant, who through training, education or experience has achieved expertise in the technical details of a subject or occupation which is a component of the healing art.

(C) Grading.--Aggravated assault under (A)(2) is a felony of the first degree. Aggravated assault under subsection (A)(3) and (A)(6) is a felony of the second degree.<sup>112</sup>

#### 1.64 Pennsylvania. Endangerment of public safety official.<sup>113</sup>

(A) Endangerment of public safety official.--A person commits the offense of **endangering a public safety official** if the person intentionally or knowingly **communicates**, or publishes through an electronic social media service, the **restricted personal** information of a public safety **official** or a family or **household** member of a public safety official with:

(1) **reckless disregard** that the restricted personal information will be used to **threaten**, intimidate or facilitate the commission of a crime against the public safety official or a family or household member of the public safety official; or

(2) the **intent** that the restricted personal information will be used to threaten, intimidate or facilitate the commission of a crime against the public safety official or a family or household member of the public safety official.

#### (B) Definitions.

(1) **"Communicate."** Convey a message by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

(2) **"Family or household member."** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents, children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(3) **"Restricted personal information."** An individual's image, name, Social Security number, home address, home phone number, mobile phone number, personal email or home fax number.

(4) **"Public safety official,"** includes **"emergency medical services personnel," "health care practitioner,"** and **"technician."** Under this section, i.e., PA Code section 2719, the definition of "public official" is the same as the definition of "Officers, agents, employees or

<sup>112</sup> PA Code 18 section 2702

<sup>113</sup> PA Code 18 section 2719

other persons" in PA Code section 2702(c) above. In other words, are (39) categories of individuals who fall under the definition of "officers, agents, employees or other persons." In other words, the following definitions apply:

(a) "**Emergency medical services personnel**" includes, but is not limited to, **doctors, residents**, interns, registered nurses, licensed practical nurses, nurse aides, ambulance attendants and operators, paramedics, emergency medical technicians and members of a **hospital security** force while working within the scope of their **employment**.

(b) "**Health care practitioner**." An individual who is authorized to practice some component of the **healing arts** by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board.

(c) "Technician." A person, other than a health care practitioner or physician assistant, who through training, education or experience has achieved expertise in the technical details of a subject or occupation which is a component of the healing art.

(C) Grading.--

(1) Except as provided under paragraph (2), an offense under subsection (A) shall constitute a misdemeanor of the first degree.

(2) An offense under subsection (A) that results in **bodily injury** to a public safety official or a family or household member of a public safety official shall constitute a felony of the second degree.

### 1.65. Rhode Island<sup>114</sup>

(A) Any person who shall knowingly and willfully assault a **health care provider** and/or emergency **medical services personnel** while that provider is engaged in **providing** health care services shall be deemed to have committed a felony, and may be imprisoned no more than three (3) years and fined not more than fifteen hundred dollars (\$1,500), or both.

(1) "**Healthcare provider**" means any person licensed by this state to provide or lawfully providing healthcare services, including, but not limited to, a **physician**, hospital, intermediate-care facility or other healthcare facility, dentist, nurse, optometrist, podiatrist, physical therapist, psychiatric social worker, pharmacist, or psychologist, and any officer, **employee**, or agent of that provider acting in the course and scope of his or her **employment** or agency related to or supportive of **health services**.

(2) "Emergency medical services personnel" means anyone who provides emergency medical transportation services and anyone directed by them.

(3) "Healthcare services" means acts of diagnosis, treatment, medical evaluation, or counseling or any other acts that may be permissible under the healthcare licensing statutes of this state.

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<sup>114</sup> RI Gen L § 11-5-16. (2022)

**1.66. South Dakota.<sup>115</sup>**

(A) Simple assault,<sup>116</sup> as provided in § 22-18-1, if committed against a law enforcement officer, firefighter, ambulance service personnel, Department of Corrections employee or person under contract assigned to the Department of Corrections, or other public officer, which assault occurred while the officer or employee was engaged in the performance of the officer's or employee's duties, is a Class 6 felony.

(B) Aggravated assault,<sup>117</sup> as provided in § 22-18-1.1, if committed against a law enforcement officer, firefighter, ambulance service personnel, Department of Corrections employee or person under contract assigned to the Department of Corrections, or other public officer, which assault occurred while the officer or employee was engaged in the performance of the officer's or employee's duties, is a Class 2 felony.

(C) The penalties in this section also apply to a simple assault or aggravated assault if committed against any **health care facility personnel** while the personnel was engaging in patient care.

**1.67 Tennessee<sup>118</sup>**

(A) A person commits assault against a first responder or nurse, who is discharging or attempting to discharge the first responder's or nurse's official duties, who:

- (1) Knowingly causes bodily injury to a first responder or nurse; or
- (2) Knowingly causes physical contact with a first responder or nurse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a first responder or nurse.

(B) A person commits aggravated assault against a first responder or nurse, who is discharging or attempting to discharge the first responder or nurse's official duties, who knowingly commits an assault under subsection (a), and the assault:

- (1) Results in serious bodily injury to the first responder or nurse;
- (2) Results in the death of the first responder or nurse;

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<sup>115</sup> 22-18-1.05.

<sup>116</sup> "Simple assault" means: (1) Attempts to cause bodily injury to another and has the actual ability to cause the injury; (2) Recklessly causes bodily injury to another; (3) Negligently causes bodily injury to another with a dangerous weapon; (4) Attempts by physical menace or credible threat to put another in fear of imminent bodily harm, with or without the actual ability to harm the other person; or (5) Intentionally causes bodily injury to another which does not result in serious bodily injury. Section 22-18-1.

<sup>117</sup> "Aggravated assault" means (1) "attempts to cause serious bodily injury to another, or causes such injury, under circumstances manifesting extreme indifference to the value of human life; (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous weapon; (4) Assaults another with intent to commit bodily injury which results in serious bodily injury; (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent serious bodily harm; or (6) Attempts to induce a fear of death or imminent serious bodily harm by impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck, or by blocking the nose and mouth; is guilty of aggravated assault. Aggravated assault is a Class 3 felony. Section 22-18-1.1.

<sup>118</sup> 39-13-116

- (3) Involved the use or display of a deadly weapon; or
- (4) Involved strangulation or attempted strangulation.

(C)

(l) Assault under subsection (a) is a Class A misdemeanor, and shall be punished by a mandatory fine of five thousand dollars (\$5,000) and a mandatory minimum sentence of thirty (30) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire thirty-day mandatory minimum sentence.

(2) Aggravated assault under subsection (b) is a Class C felony, and is punished by a mandatory fine of fifteen thousand dollars (\$15,000) and a mandatory minimum sentence of ninety (90) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire ninety-day mandatory minimum sentence.

(D) For purposes of this section:

(1) "First responder":

(A) Means a firefighter, emergency services personnel, POST-certified law enforcement officer, or other person who responds to calls for emergency assistance from a 911 call;.... and

(2) "Nurse" means a person who is licensed, registered, or certificated under title 63, chapter 7.

### 1.68 Texas.<sup>119</sup>

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse....

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against....

(5) a person the actor knows is **emergency services personnel** while the person is providing emergency services...; or

(9) a person the actor **knows** is **hospital personnel** while the person is located on hospital **property**, including all land and buildings owned or leased by the hospital....

(d) For purposes of Subsection (b), the actor is **presumed** to have known the person assaulted was...emergency services personnel if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer or emergency services personnel.

(e) In this section:

(1) "**Emergency services personnel**" includes firefighters, **emergency medical services personnel** as defined by Section [773.003](#), Health and Safety Code,

<sup>119</sup> Title 5 Section 22.01.

**emergency room personnel**, and other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations.

(1-a) "**Hospital personnel**" includes nurses, **physicians**, physician assistants, maintenance or janitorial staff, receptionists, and other individuals who are **employed by** or **work in** a facility that is licensed as a general hospital or special hospital, as those terms are defined by Section [241.003](#), Health and Safety Code, including a hospital maintained or operated by the state....

**1.69 Utah.**<sup>120</sup> Assault or threat of violence against health care provider, emergency medical service worker, or health facility employee, owner, or contractor -- Penalty.

(A) An actor commits assault or threat of violence against a health care provider or emergency medical service worker if:

- (1) the actor is not a prisoner or a detained individual;
- (2) the actor commits an assault or threat of violence
- (3) the actor knew that the victim was a health care provider or emergency medical service worker; and
- (4) the health care provider or emergency medical service worker was performing emergency or lifesaving duties within the scope of his or her authority at the time of the assault or threat of violence.

(B) An actor commits assault or threat of violence against a health facility employee if:

- (1) the actor is not a prisoner or a detained individual;
- (2) the actor commits an assault or threat of violence;
- (3) the actor knew that the victim was a health facility employee; and
- (4) the health facility employee was acting within the scope of the health facility employee's duties for the health facility.

(C)

- (1) A violation of Subsection (A) or (B) above is a class A misdemeanor.
- (2) Notwithstanding Subsection (C)(1), a violation of (A) or (B) is a third degree felony if the actor:
  - (a) causes substantial bodily injury; and
  - (b) acts intentionally or knowingly.

(D) Definitions.

- (1) "Health care provider" includes any person, partnership, association, corporation, or other facility or institution who causes to be rendered or who renders health care or professional services as a hospital, health care facility, physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, licensed direct-entry midwife, dentist, dental hygienist, optometrist, clinical laboratory technologist, pharmacist, physical therapist, physical therapist assistant, podiatric physician, psychologist, chiropractic physician,

<sup>120</sup> Utah Code 76-5-102.7. An actor commits assault if the actor: (1) attempts, with unlawful force or violence, to inflict bodily injury on an individual; or (2) commits an act, with unlawful force or violence, that: (a) causes bodily injury to an individual; or

(b) creates a substantial risk of bodily injury to an individual. Utah Code 76-5-102.

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naturopathic physician, osteopathic physician, osteopathic physician and surgeon, audiologist, speech-language pathologist, clinical social worker, certified social worker, social service worker, marriage and family counselor, practitioner of obstetrics, licensed athletic trainer, or others rendering similar care and services relating to or arising out of the health needs of persons or groups of persons and officers, employees, or agents of any of the above acting in the course and scope of their employment.

- (2) "Health facility" means:
  - (a) a health care facility as defined in Section 26B-2-201; and
  - (b) the office of a private health care provider, whether for individual or group practice.
- (3) "Health facility employee" means an employee, owner, or contractor of a health facility.
- (4) "Threat of violence."
  - (a) An actor commits a threat of violence if the actor:
    - (i)
      - (A) threatens to commit an offense involving bodily injury, death, or substantial property damage; and
      - (B) acts with intent to place an individual in fear of imminent serious bodily injury, substantial bodily injury, or death; or
    - (ii) makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to an individual.
  - (b) A threat under this section may be express or implied.

#### 1.70 Vermont.<sup>121</sup> Assault of protected professional; assault with bodily fluids

(a) A person convicted of a simple or aggravated assault against a protected **professional** as defined in subdivision (d)(1) of this section while the protected professional is performing a lawful **duty**, or with the intent to **prevent** the protected professional from performing his or her lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:

- (1) for the first offense, be imprisoned not more than one year;
- (2) for the second offense and subsequent offenses, be imprisoned not more than 10 years.

(b)

(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a protected **professional** while the person is performing a lawful **duty**.

(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) In imposing a sentence under this section, the court shall take into consideration whether the defendant was a patient at the time of the offense and had a **psychiatric illness**, the symptoms of which were exacerbated by the surrounding circumstances, irrespective of whether the illness constituted an affirmative defense to the charge.

(d) As used in this section:

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<sup>121</sup> 13 V.S.A. § 1028

(1) “**Protected professional**” shall mean a...**health care worker**;...or any emergency medical personnel.... “Emergency medical personnel” means persons, including volunteers, licensed by the Department of Health to provide emergency medical treatment on behalf of an affiliated agency whose primary function is the provision of emergency medical treatment. The term does not include duly licensed or registered physicians, dentists, nurses, or physician assistants when practicing in their customary work setting....

(8) “**Health care facility**” means all persons or institutions, including mobile facilities, whether public or private, proprietary or not for profit, that offer diagnosis, treatment, inpatient, or ambulatory care to two or more unrelated persons, and the buildings in which those services are offered. The term shall not apply to any institution operated by religious groups relying solely on spiritual means through prayer for healing, but shall include:

(A) hospitals, including general hospitals, mental hospitals, chronic disease facilities, birthing centers, maternity hospitals, and psychiatric facilities including any hospital conducted, maintained, or operated by the State of Vermont, or its subdivisions, or a duly authorized agency thereof;

(B) nursing homes, health maintenance organizations, home health agencies, outpatient diagnostic or therapy programs, kidney disease treatment centers, mental health agencies or centers, diagnostic imaging facilities, independent diagnostic laboratories, cardiac catheterization laboratories, radiation therapy facilities, or any inpatient or ambulatory surgical, diagnostic, or treatment center.

(3) “**Health care worker**” means an **employee** of a **health care facility** or a licensed **physician** who is on the medical staff of a health care facility who provides **direct care** to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence.

## 1.71<sup>122</sup> Criminal threatening

(a) A person shall not by words or conduct knowingly:

(1) **threaten** another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable **apprehension** of death, **serious bodily injury**, or sexual assault to the other person, a person in the group of particular persons, or any other person.

(g) A person who violates subsection (a) of this section with the intent to terrify or **intimidate** a **health care worker** or an **emergency medical personnel member** because of the worker’s or member’s action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(h) As used in this section:

(1) “**Serious bodily injury**” has the same meaning as in section 1021 of this title.

(2) “**Threat**” and “threaten” do not include constitutionally protected activity.

<sup>122</sup> 13 V.S.A. § 1702

(9) “Emergency medical personnel” means persons, including volunteers, licensed by the Department of Health to provide emergency medical treatment on behalf of an affiliated agency whose primary function is the provision of emergency medical treatment. The term does not include duly licensed or registered physicians, dentists, nurses, or physician assistants when practicing in their customary work setting.

(10) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(11) “**Health care worker**” means an **employee** of a **health care facility** or a licensed **physician** who is on the medical staff of a health care facility who provides **direct care** to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence.

**1.72 New Hampshire S. 36 (2023).** An act relating to crimes against health care workers at hospitals and against emergency medical treatment providers.

**Sec. 1.** Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe....

(18) The person has committed a misdemeanor that involves an assault against:

(A) a **health care worker** in a hospital;<sup>123</sup> or

(B) a **person providing emergency medical treatment**. “Emergency medical treatment” means pre-hospital, in-hospital, and interhospital medical treatment rendered by emergency medical personnel given to individuals who have experienced sudden illness or injury in order to prevent loss of life, the aggravation of the illness or injury, or to alleviate suffering. Emergency medical treatment includes basic emergency medical treatment and advanced emergency medical treatment.

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening)<sup>124</sup> against:

(A) a health care worker in a hospital...; or

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<sup>123</sup> “Health care worker” means an employee of a health care facility or a licensed physician who is on the medical staff of a health care facility who provides direct care to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence. “Hospital” means a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for in-patient medical or surgical care of individuals who have an illness, disease, injury, or physical disability, or for obstetrics.

<sup>124</sup> A person shall not by words or conduct knowingly: (1) threaten another person or a group of particular persons; and (2) as a result of the threat, place the other person in reasonable apprehension of death, serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.

(B) a person providing emergency medical treatment....

(20) The person has engaged in unlawful<sup>125</sup> disorderly conduct for engaging in fighting or in violent, tumultuous, or threatening behavior) that **interfered** with the provision of medically necessary health care services:

(A) in a **hospital**;...or

(B) by a person providing emergency medical treatment....

### 1.73 New Hampshire<sup>126</sup>

#### Sec. 3. Disclosure of Protected Health Information Required

(a) When a law enforcement officer responds to an alleged crime committed by a patient at a hospital:

(1) an authorized representative of the hospital shall disclose to the law enforcement officer the following information before the officer removes the patient from the hospital:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting inpatient care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the hospital if an authorized representative of the hospital informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting inpatient care.

(b) When a law enforcement officer responds to an alleged crime committed by a patient at a scene where emergency medical treatment was or is being provided:

(1) a member of the emergency medical personnel who provided the treatment shall disclose to the law enforcement officer the following information before the officer removes the patient from the emergency medical treatment scene:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting transport for health care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the emergency medical treatment scene if a member of the emergency medical personnel who provided the treatment informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting transport for health care.

(c) As used in this section:

(1) "Emergency medical personnel" has the same meaning as in 24 V.S.A. § 2651(6).

(2) "Emergency medical treatment" has the same meaning as in 24 V.S.A. § 2651(9).

(3) "Hospital" has the same meaning as in subdivision 1902(1) of this title.

(4) "Stabilized" means that no material deterioration of the patient's medical condition is likely, within reasonable medical probability, to result from or occur during the transport of the patient from the hospital or the emergency medical treatment scene.

#### Sec. 4. Report on De-Escalation

On or before January 15, 2024, the Vermont Program for Quality in Health Care, in consultation with stakeholders, including hospital employee stakeholders, shall provide a

<sup>125</sup> See 13 V.S.A. § 1026(a)(1)

<sup>126</sup> 18 V.S.A. § 1883

report to the Senate Committee on Health and Welfare and the House Committee on Health Care regarding adequate training, including de-escalation of potentially violent situations in hospitals, sufficient staffing levels, ongoing assessment of visitors and patients for aggressive behavior, indicators to adapt care interventions and environments appropriately, centralized reporting, and factors related to physical environments. With a health equity impact informed lens, the report shall include best practices, barriers to best practices, and recommendations for appropriate policy improvements.

## Sec. 5. Department of Public Safety Report on Arrests Without Warrant

On or before January 15, 2024, the Department of Public Safety shall report to the House and Senate Committees on Judiciary on any systemic or statutory changes needed to permit the Department to collect data on responses and arrests pursuant to Vermont Rules of Criminal Procedure 3(c)... The report shall include changes necessary to collect data on the number and demographics of persons arrested; the town, county, and type of health care facility where the arrest occurred; and the number and types of charges filed after the arrest.

## Sec. 6. Effective Date

This act shall take effect on passage. Date Governor signed bill: May 30, 2023.

### 1.74 Virginia.<sup>127</sup> **Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; penalty. (2023 updated section)**

B. Any person who **orally** makes a **threat** to kill or to do bodily injury to...(ii) any **health care provider**...who is engaged in the performance of his duties while on the premises of any facility rendering health care...is guilty of a Class 1 misdemeanor.

(1) "**Health care provider**" means a licensed: (1) person, corporation, facility or institution that provides health care or professional services as a **physician** or hospital, a dentist, a pharmacist, RN, LPN, or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, APRN, an optometrist, a podiatrist, PA, a chiropractor, PT, a PT assistant, a psychologist, social worker, a professional counselor, marriage and family therapist, dental hygienist, HMO, or an emergency medical care attendant or technician who provides services on a fee basis; (2) a professional corporation, all of whose shareholders or members are so licensed; (3) a partnership, all of whose partners are so licensed; (4) a nursing home; (5) a professional limited liability company comprised of licensed members; (6) corporation, partnership, limited liability company or any other entity, which employs or engages a licensed health care provider and which primarily renders health care services; or (7) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.

### 1.75 Virginia.<sup>128</sup> **Assault and battery; penalty.**

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a **health care provider**...who is engaged in the performance of his **duties** in a **hospital** or in an **emergency room** on the premises of any clinic or other facility

<sup>127</sup> Code of Virginia section 18.2-60

<sup>128</sup> Code of Virginia 18.2-57

rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

(1) "Health care provider" means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a **physician** or hospital, a dentist, a pharmacist, a registered nurse or licensed practical nurse or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, an advanced practice registered nurse, an optometrist, a podiatrist, a physician assistant, a chiropractor, a physical therapist, a physical therapy assistant, a clinical psychologist, a clinical social worker, a professional counselor, a licensed marriage and family therapist, a licensed dental hygienist, a health maintenance organization, or an emergency medical care attendant or technician who provides services on a fee basis; (ii) a professional corporation, all of whose shareholders or members are so licensed; (iii) a partnership, all of whose partners are so licensed; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with a recognized church or religious denomination; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services; or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.

(2) "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

#### 1.76 Washington.<sup>129</sup> Assault in the third degree.

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(i) Assaults a nurse, **physician**, or health care provider who was performing his or her nursing or health care **duties** at the time of the assault. For purposes of this subsection:

(a) "Nurse" means a person licensed under chapter 18.79 RCW;

(b) "**Physician**" means a person licensed under chapter 18.57 or 18.71 RCW; and

(c) "Health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW; **or**

(2) Assault in the third degree is a class C felony.

#### 1.77 West Virginia.<sup>130</sup> Malicious assault; unlawful assault; battery; and assault on governmental representatives, health care providers, utility workers, law-enforcement officers, correctional employees and emergency medical service personnel; definitions; penalties.

<sup>129</sup> RCW 9A.36.031

<sup>130</sup> 61-2-10B

(a) For purposes of this section:

(2) “**Health care worker**” means any nurse, nurse practitioner, **physician**, physician assistant or technician practicing at, and all persons **employed** by or under **contract** to a hospital, county or district health department, long-term care facility, **physician’s office**, clinic or outpatient treatment facility.

(3) “Emergency service personnel” means any paid or volunteer firefighter, emergency medical technician, paramedic, or other emergency services personnel employed by or under contract with an emergency medical service provider or a state agency or political subdivision thereof.

(b) **Malicious assault.** — Any person who maliciously shoots, stabs, cuts or wounds or by any means causes **bodily injury** with intent to **maim**, disfigure, disable or kill a...**health care worker**... emergency service personnel...acting in his or her **official** capacity, and the person committing the malicious assault knows or has reason to **know** that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than three nor more than fifteen years.

(c) **Unlawful assault.** — Any person who unlawfully but **not maliciously** shoots, stabs, cuts or wounds or by any means causes a...**health care worker**...emergency service personnel...acting in his or her **official** capacity **bodily injury** with intent to **maim**, disfigure, disable or kill him or her and the person committing the unlawful assault knows or has reason to **know** that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than two nor more than five years.

(d) **Battery.** — Any person who unlawfully, knowingly and intentionally makes **physical contact** of an **insulting** or provoking nature with a...**health care worker**...emergency service personnel...acting in his or her **official** capacity and the person committing the battery **knows** or has reason to know that the victim is acting in his or her official capacity, **or** unlawfully and intentionally causes **physical harm** to that person acting in such capacity and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not less than one month nor more than twelve months or both fined and confined. If any person commits a **second** such offense, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned. Any person who commits a **third** violation of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned.

(e) **Assault.** — Any person who unlawfully **attempts** to commit a **violent injury** to the person of a...**health care worker**...emergency service personnel...acting in his or her **official** capacity and the person committing the battery **knows** or has reason to know that the victim is acting in his or her official capacity, **or** unlawfully commits an act which places that person acting in his or her official capacity in reasonable **apprehension** of immediately receiving a **violent injury** and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than twenty-four hours nor more than six months, fined not more than \$200, or both fined and confined.

**1.78 Wisconsin.**<sup>131</sup> Battery or threat to health care providers and staff

(1) In this section:

(a) **“Family member”** means a parent, spouse, sibling, child, stepchild, or foster child.

(b) **“Health care facility”** means any of the following:

1. A hospital, as defined in s. 50.33 (2).
2. A clinic, which is a location with the primary purpose of providing outpatient diagnosis, treatment, or management of health conditions.
3. A pharmacy that is licensed under s. 450.06.
4. An adult day care center, as defined in s. 49.45 (47) (a).
5. An adult family home, as defined in s. 50.01 (1).
6. A community-based residential facility, as defined in s. 50.01 (1g).
7. A residential care apartment complex, as defined in s. 50.01 (6d).
8. A nursing home, as defined in s. 50.01 (3).
9. A mental health or substance use disorder facility, which is a location that provides diagnosis, treatment, or management of mental health or substance use disorders.
10. An ambulatory surgical center, as defined in 42 CFR 416.2.

(c) **“Health care provider”** means any of the following:

1. A health care provider means: a nurse; chiropractor; dentist; **physician**, perfusionist, or respiratory care practitioner; naturopathic doctor or limited-scope naturopathic; physical therapist or physical therapist assistant; podiatrist; dietitian; athletic trainer; occupational therapist or occupational therapy assistant who is licensed or who holds a compact privilege; genetic counselor; physician assistant; optometrist; pharmacist or pharmacy technician; acupuncturist; psychologist who is licensed, who is exercising the temporary authorization to practice in this state, or who is practicing under the authority to practice interjurisdictional telepsychology; social worker, marriage and family therapist, or professional counselor; speech-language pathologist, audiologist, or a speech and language pathologist; massage therapist or bodywork therapist; **ambulance service provider**; **An emergency medical services practitioner**; and emergency medical responder.
2. A radiographer or limited X-ray machine operator licensed or permitted under ch. 462.

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<sup>131</sup> 940.204

3. A driver of an ambulance, as defined in s. 256.01 (1t).

(2) Whoever intentionally causes bodily harm or **threatens** to cause **bodily harm** to a person who works in a **health care facility** or to a **family member** of a person who works in a health care facility under all of the following circumstances is guilty of a Class H felony:

(a) At the time of the act or threat, the actor **knows** or should have known that the victim **works** or formerly **worked** in a **health care facility** or is a family member of the person who **works** or formerly **worked** in a health care facility.

(b) The act or threat is **in response to** an action occurring **at** the health care facility or an action by an official, employee, **or** agent of the health care facility acting in his or her **official** capacity.

(c) There is **no consent** by the person harmed or threatened.

(3) Whoever intentionally causes bodily harm or **threatens** to cause **bodily harm** to a **health care provider** or to a **family member** of a health care provider under all of the following circumstances is guilty of a Class H felony:

(a) At the time of the act or threat, the actor **knows** or should have known that the victim is a health care provider or is a family member of a health care provider.

(b) The act or threat is **in response to** an action by the health care provider acting in his or her capacity as a health care provider.

(c) There is **no consent** by the person harmed or threatened.

(4) The department of justice shall post on its website **model language** that health care facilities **may post** at their entrances alerting persons to the penalties under this section.