

**Assembly Bill No. 1820**

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Passed the Assembly    May 9, 2002

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*Chief Clerk of the Assembly*

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Passed the Senate    August 19, 2002

\_\_\_\_\_  
*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2002, at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to amend Sections 3212.6 and 3212.9 of the Labor Code, relating to workers' compensation.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1820, Strom-Martin. Workers' compensation: meningitis: tuberculosis: firefighters.

Under existing law, a person injured in the course of employment is generally entitled to receive workers' compensation as a result of that injury. Existing law provides that, in the case of, among other individuals, certain state and local firefighting personnel who are employed on a regular fully paid or full-time salary basis, the term "injury" includes cases of tuberculosis and, in the case of, among other individuals, these local firefighting personnel, cases of meningitis, that develop or manifest during a period while the individual is in the service of any prescribed firefighting department or unit. Existing law provides a disputable presumption that tuberculosis or meningitis that so develops or manifests itself arises out of, and in the course of, the employment. Under existing law, this presumption is extended to a person following termination of service for a period of 3 calendar months for each full year of the requisite service, but not to exceed 60 months, commencing with the last date actually worked in the specified capacity.

This bill would expand the scope of these provisions to include firefighting personnel who are volunteers or are employed on a partly paid basis. This bill would also provide that the presumption described above in regard to cases of meningitis shall apply for 90 days, commencing with the last date actually worked in the specified capacity.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3212.6 of the Labor Code is amended to read:

3212.6. In the case of a member of a police department of a city or county, or a member of the sheriff's office of a county, or a member of the California Highway Patrol, or an inspector or



investigator in a district attorney's office of any county whose principal duties consist of active law enforcement service, or a prison or jail guard or correctional officer who is employed by a public agency, when that person is employed upon a regular, full-time salary basis, or in the case of a member of a fire department of any city, county, or district, or other public or municipal corporation or political subdivision, whether the member is a volunteer or is employed on a partly paid or fully paid basis, and in the case of an active firefighting member of the Department of Forestry and Fire Protection whose duties require firefighting and first-aid response services, or of any county forestry or firefighting department or unit, whether the member is a volunteer or is employed on a partly paid or fully paid basis, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement, firefighting, or emergency first-aid response service such as stenographers, telephone operators, and other officeworkers, the term "injury" includes tuberculosis that develops or manifests itself during a period while that member is in the service of that department, office, or unit. The compensation that is awarded for the tuberculosis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by this division.

The tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a member following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

A public entity may require applicants for employment in firefighting positions who would be entitled to the benefits granted by this section to be tested for infection for tuberculosis.

SEC. 2. Section 3212.9 of the Labor Code is amended to read:

3212.9. In the case of a member of a police department of a city, county, or city and county, or a member of the sheriff's office of a county, or a member of the California Highway Patrol, or a county probation officer, or an inspector or investigator in a district



attorney's office of any county whose principal duties consist of active law enforcement service, when that person is employed on a regular, full-time salary basis, or in the case of a member of a fire department of any city, county, or district, or other public or municipal corporation or political subdivision, or any county forestry or firefighting department or unit, whether the person is a volunteer or is employed on a partly paid or fully paid basis, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement or firefighting, such as stenographers, telephone operators, and other officeworkers, the term "injury" includes meningitis that develops or manifests itself during a period while that person is in the service of that department, office, or unit. The compensation that is awarded for the meningitis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by this division.

The meningitis so developing or manifesting itself shall be presumed to arise out of, and in the course of, the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a person following termination of service for a period of 90 days, commencing with the last date actually worked in the specified capacity.



Approved \_\_\_\_\_, 2002

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*Governor*

