

AMENDED IN SENATE JULY 1, 2008
AMENDED IN ASSEMBLY MAY 23, 2008
AMENDED IN ASSEMBLY APRIL 22, 2008
AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2158

Introduced by Assembly Member Soto

February 20, 2008

An act to add Part 9 (commencing with Section 22980) to Division 5 of Title 2 of the Government Code, relating to state employees' health benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 2158, as amended, Soto. State employees' health benefits: blood-borne diseases.

Existing law provides various health benefits for state employees and annuitants. Existing law holds the state liable for payment of workers' compensation, including medical treatment, for injuries incurred by state employees that arise out of or in the course of employment.

This bill would provide that if a state employee or an annuitant who retired from state employment and sustained an injury as the result of a work-related event that arose out of and in the course of his or her official duties as a state employee, before January 1, 1984, and that meets a specified definition of a blood-borne infectious disease, and a dependent, as defined, or former dependent, as defined, of that person contracts the blood-borne disease from that person, the dependent or former dependent may receive health care benefits sufficient to cover

all medically necessary health care costs associated with the disease, for the duration of the disease. The bill would require the state to contribute the cost of providing that benefit coverage from the General Fund, upon appropriation by the Legislature. The bill would also provide that a person who elects to receive these benefits would be prohibited from bringing a civil action against the state for damages related to contracting the disease. *The bill would also specify that a dependent or former dependent who does not elect to receive these benefits may pursue all civil remedies allowed by law and is not subject to a defense that the claim is barred by these provisions.* The bill would require the Board of Directors of the State Compensation Insurance Fund to administer this benefit.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Part 9 (commencing with Section 22980) is added
 2 to Division 5 of Title 2 of the Government Code, to read:

3
 4 PART 9. HEALTH BENEFITS FOR DEPENDENTS OF STATE
 5 EMPLOYEES
 6

7 22980. (a) If a state employee or an annuitant who retired from
 8 state employment and sustained an injury as the result of a
 9 work-related event that arose out of and in the course of his or her
 10 official duties as a state employee, before January 1, 1984, and
 11 that meets the definition of a blood-borne infectious disease
 12 contained in Section 3212.8 of the Labor Code, and a dependent
 13 or former dependent of that person contracts the blood-borne
 14 infectious disease from that employee or annuitant, the dependent
 15 or former dependent may elect to receive health care benefits
 16 sufficient to cover all medically necessary health care costs
 17 associated with the disease, for the duration of the disease. The
 18 state shall contribute the cost of providing that benefit coverage
 19 from the General Fund, upon appropriation by the Legislature.

20 (b) If the dependent or former dependent elects to receive
 21 benefits pursuant to this section that do not already exist, his or
 22 her election shall constitute the sole and exclusive remedy of the
 23 dependent or former dependent against the employer of the

1 employee or former employer of the annuitant and the dependent
2 or former dependent may not bring a civil action against the state.

3 (c) *If the dependent or former dependent does not elect to*
4 *receive benefits pursuant to this section, as specified in subdivision*
5 *(a), the dependent or former dependent shall retain the right to*
6 *pursue all civil remedies otherwise allowed by law, and shall not*
7 *be subject to a defense that the dependent's or former dependent's*
8 *claim is barred by this section.*

9 (d) For purposes of this section, "former dependent" means a
10 person who was diagnosed with a blood-borne infectious disease,
11 before January 1, 1984, which was contracted from a person
12 covered under Section 3212.8 of the Labor Code while a dependent
13 of that person, but the dependency relationship has terminated.

14 ~~(d)~~

15 (e) For purposes of this section, "dependent" has the meaning
16 provided by Section 17056 of the Revenue and Taxation Code.

17 ~~(e)~~

18 (f) It is the intent of the Legislature that this section apply
19 retroactively.

20 ~~(f)~~

21 (g) The Board of Directors of the State Compensation Insurance
22 Fund shall administer this benefit.