

AMENDED IN SENATE AUGUST 18, 2008

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**

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**Introduced by Assembly Member Soto**

February 20, 2008

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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, *on and after July 1, 2009*, that if a ~~state employee or an annuitant~~ *correctional officer who was injured as a result of an incident at a state prison and 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 correctional officer at a state prison*, 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, *which was diagnosed on or after January 1, 1990*, 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~~ *correctional*  
 8 *officer who was injured as a result of an incident at a state prison*  
 9 *and subsequently* retired from state employment and sustained an  
 10 injury as the result of a work-related event that arose out of and  
 11 in the course of his or her official duties as a ~~state employee~~  
 12 *correctional officer at a state prison*, before January 1, 1984, and  
 13 that meets the definition of a blood-borne infectious disease  
 14 contained in Section 3212.8 of the Labor Code, and a dependent  
 15 or former dependent of that person contracts the blood-borne  
 16 infectious disease from that ~~employee or annuitant~~ *correctional*  
 17 *officer*, the dependent or former dependent may elect to receive  
 18 health care benefits sufficient to cover all medically necessary

1 health care costs associated with the disease, for the duration of  
2 the disease. The state shall contribute the cost of providing that  
3 benefit coverage from the General Fund, upon appropriation by  
4 the Legislature. *The dependent's or former dependent's health*  
5 *care coverage shall cease if that person is subsequently employed*  
6 *by an agency that provides health care coverage under the Public*  
7 *Employees' Retirement System.*

8 (b) If the dependent or former dependent elects to receive  
9 benefits pursuant to this section that do not already exist, his or  
10 her election shall constitute the sole and exclusive remedy of the  
11 dependent or former dependent against the employer of the  
12 employee or former employer of the annuitant and the dependent  
13 or former dependent may not bring a civil action against the state.

14 (c) If the dependent or former dependent does not elect to  
15 receive benefits pursuant to this section, as specified in subdivision  
16 (a), the dependent or former dependent shall retain the right to  
17 pursue all civil remedies otherwise allowed by law, and shall not  
18 be subject to a defense that the dependent's or former dependent's  
19 claim is barred by this section.

20 (d) For purposes of this section, "former dependent" means a  
21 person who was diagnosed with a blood-borne infectious disease,  
22 ~~before January 1, 1984, which was contracted from a person on~~  
23 ~~or after January 1, 1990, which was contracted from a correctional~~  
24 ~~officer who comes within the description of subdivision (a) and is~~  
25 covered under Section 3212.8 of the Labor Code while a dependent  
26 of that person, but the dependency relationship has terminated.

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

29 (f) It is the intent of the Legislature that this section apply  
30 retroactively.

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

33 (h) *This section shall become operative on July 1, 2009.*