

AMENDED IN ASSEMBLY MAY 31, 2001  
AMENDED IN ASSEMBLY APRIL 24, 2001  
AMENDED IN ASSEMBLY APRIL 16, 2001  
AMENDED IN ASSEMBLY MARCH 26, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 663**

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**Introduced by Assembly Member Vargas**  
**(Coauthors: Assembly Members Bates, Calderon, Chavez,**  
**Frommer, Kehoe, La Suer, Strom-Martin, Washington, Wayne,**  
**and Zettel)**

*(Coauthor: Senator Alpert)*  
*(Coauthors: Senators Alpert and Burton)*

February 22, 2001

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An act to add Section 3212.10 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 663, as amended, Vargas. Workers' compensation: lifeguards. Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain law enforcement officers and firefighters, the term "injury" includes heart trouble, hernia, pneumonia, and other injuries and diseases.

This bill would extend these provisions to active lifeguards employed, for more than 3 consecutive months in a calendar year, by

certain local agencies and the Department of Parks and Recreation with respect to ~~cancer, leukemia, hernia, heart trouble, pneumonia, tuberculosis, or meningitis~~ *skin cancer, hernia, or back injury* that develops or manifests itself during the period of the lifeguard’s employment.

This bill would further create a rebuttable presumption that the above injuries and diseases arise out and in the course of the lifeguard’s employment if they develop or manifest during the period of the employment.

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. Section 3212.10 is added to the Labor Code, to  
2 read:

3 3212.10. This section applies to both of the following: (a)  
4 active lifeguards employed by a city, county, city and county,  
5 district, or other public or municipal corporation or political  
6 subdivision, and (b) active state lifeguards employed by the  
7 Department of Parks and Recreation. The term “injury,” as used  
8 ~~in this division, includes cancer, leukemia, hernia, heart trouble,~~  
9 ~~pneumonia, tuberculosis, or meningitis that develops or manifests~~  
10 *in this division, includes skin cancer, hernia, or back injury that*  
11 *develops or manifests* itself during the period of the lifeguard’s  
12 employment. The compensation awarded for that injury shall  
13 include full hospital, surgical, and medical treatment, disability  
14 indemnity, and death benefits, as provided by the provisions of this  
15 division.

16 ~~Cancer, leukemia, hernia, heart trouble, pneumonia,~~  
17 ~~tuberculosis, or meningitis~~

18 *Skin cancer, hernia, or back injury* so developing or manifesting  
19 itself shall be presumed to arise out of and in the course of the  
20 employment. This presumption is disputable and may be  
21 controverted by other evidence, but unless so controverted, the  
22 appeals board shall find in accordance with it. This presumption  
23 shall be extended to a lifeguard following termination of service  
24 for a period of three calendar months for each full year of the  
25 requisite service, but not to exceed 60 months in any circumstance,



1 commencing with the last date actually worked in the specified  
2 capacity.

3 ~~Cancer, leukemia, hernia, heart trouble, pneumonia,~~  
4 ~~tuberculosis, or meningitis~~

5 *Skin cancer, hernia, or back injury* so developing or manifesting  
6 itself in these cases shall not be attributed to any disease existing  
7 prior to that development or manifestation.

8 This section shall only apply to lifeguards employed for more  
9 than three consecutive months in a calendar year.

