

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1324

Introduced by Assembly Member Steinberg

February 21, 2003

An act to add Section 3212.86 to the Labor Code, relating to worker's compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1324, as amended, Steinberg. Workers' compensation: infectious diseases: dependents.

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of or in the course of employment. Existing law also defines "injury" in the case of specified state and local firefighting, law enforcement personnel, and patrol members, to include any blood-borne infectious disease that develops or manifests itself during the period while the member is in the service of the governmental entity.

This bill would provide that if a person who is a specified state or local firefighting, law enforcement, or patrol member sustains an injury that meets the definition of a blood-borne infectious disease, and a dependent of that person contracts the blood-borne infectious disease from that person, the dependent ~~shall be awarded~~ *may elect to receive compensation under the workers' compensation law*, for the duration of the disease, for all medically necessary health care costs associated with the disease. *It would also provide that if a dependent elects to receive compensation under the workers' compensation law, this election shall*

constitute the sole and exclusive remedy of the dependent against the employer and the dependent may not bring a civil action against the employer for damages.

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 3212.86 is added to the Labor Code, to
2 read:

3 3212.86. (a) If a person covered under Section 3212.8
4 sustains an injury that meets the definition of a blood-borne
5 infectious disease contained in Section 3212.8, and a dependent of
6 that person contracts the blood-borne infectious disease from that
7 person, the dependent ~~shall be awarded~~ *may elect to receive*
8 compensation pursuant to this division, for the duration of the
9 disease, for all medically necessary health care costs associated
10 with the disease.

11 *(b) If a dependent elects to receive compensation pursuant to*
12 *this division, as specified in subdivision (a), this election shall*
13 *constitute the sole and exclusive remedy of the dependent against*
14 *the employer and the dependent may not bring a civil action*
15 *against the employer for damages.*

