

AMENDED IN SENATE JUNE 1, 2004  
AMENDED IN SENATE JULY 14, 2003  
AMENDED IN ASSEMBLY MAY 6, 2003  
AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1324**

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**Introduced by Assembly Member Steinberg  
(Coauthor: Assembly Member Koretz)**

February 21, 2003

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An act to add Section 3212.86 to the Labor Code, relating to workers' 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.

~~This bill would state the intent of the Legislature to improve the workers' compensation system by promoting the efficient delivery of high quality appropriate medical care.~~

*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 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.

This bill would prohibit a dependent from bringing a civil action against the employer for damages if the dependent elects to receive compensation under the workers' compensation law. The bill would provide that if a dependent does not elect to receive compensation under the workers' compensation law, the dependent shall retain the right to all civil remedies otherwise allowed by law, and shall not be subject to a defense that the claim is barred by workers' compensation provisions.

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

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

1 ~~SECTION 1. It is the intent of the Legislature to improve the~~  
 2 ~~workers' compensation system by promoting the efficient delivery~~  
 3 ~~of high quality appropriate medical care.~~

4 SECTION 1. Section 3212.86 is added to the Labor Code, to  
 5 read:

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

13 (b) (1) If a dependent elects to receive compensation pursuant  
 14 to this division, as specified in subdivision (a), this election shall  
 15 constitute the sole and exclusive remedy of the dependent against  
 16 the employer and the dependent may not bring a civil action  
 17 against the employer for damages.



1     (2) *If a dependent does not elect to receive compensation*  
2 *pursuant to this division, as specified in subdivision (a), the*  
3 *dependent shall retain the right to pursue all civil remedies*  
4 *otherwise allowed by law, and shall not be subject to a defense that*  
5 *the dependent's claim is barred by this division.*

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