

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2774

**Introduced by Committee on Labor and Employment (Swanson
(Chair), Furutani, Monning, and Yamada)**

March 1, 2010

An act to amend Section 6302 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2774, as amended, Committee on Labor and Employment. Occupational safety and health.

Existing law authorizes the Department of Occupational Safety and Health to enforce health and safety standards in places of employment and to investigate and to issue a citation when an employer causes an employee to suffer or potentially suffer, among other things, "serious injury or illness" or "serious physical harm." Existing law defines a "serious injury or illness," generally, as a workplace injury or illness requiring hospitalization of more than 24 hours or resulting in the loss of a body member or in permanent disfigurement.

This bill would define "serious physical harm" to include most categories of a "serious injury or illness," but would also include those resulting in physical impairment of a part of the body or from *a single cause or from* the cumulative effect of multiple injuries or illnesses.

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

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

1 SECTION 1. Section 6302 of the Labor Code is amended to
2 read:

3 6302. As used in this division:

4 (a) “Director” means the Director of Industrial Relations.

5 (b) “Department” means the Department of Industrial Relations.

6 (c) “Insurer” includes the State Compensation Insurance Fund
7 and any private company, corporation, mutual association, and
8 reciprocal or interinsurance exchange, authorized under the laws
9 of this state to insure employers against liability for compensation
10 under this part and under Division 4 (commencing with Section
11 3201), and any employer to whom a certificate of consent to
12 self-insure has been issued.

13 (d) “Division” means the Division of Occupational Safety and
14 Health.

15 (e) “Standards board” means the Occupational Safety and Health
16 Standards Board, within the department.

17 (f) “Appeals board” means the Occupational Safety and Health
18 Appeals Board, within the department.

19 (g) “Aquaculture” means a form of agriculture as defined in
20 Section 17 of the Fish and Game Code.

21 (h) “Serious injury or illness” means any injury or illness
22 occurring in a place of employment or in connection with any
23 employment which requires inpatient hospitalization for a period
24 in excess of 24 hours for other than medical observation or in
25 which an employee suffers a loss of any member of the body or
26 suffers any serious degree of permanent disfigurement, but does
27 not include any injury or illness or death caused by the commission
28 of a Penal Code violation, except the violation of Section 385 of
29 the Penal Code, or an accident on a public street or highway.

30 (i) “Serious exposure” means any exposure of an employee to
31 a hazardous substance when the exposure occurs as a result of an
32 incident, accident, emergency, or exposure over time and is in a
33 degree or amount sufficient to create a substantial probability that
34 death or serious physical harm in the future could result from the
35 exposure.

36 (j) (1) “Serious physical harm” means any injury or illness,
37 specific or cumulative, occurring in the place ~~or~~ of employment
38 or in connection with any employment, which ~~is the consequence~~

1 of a condition, practice, means, method, operation, or process that
2 meets *results in* any of the following:

3 (A) ~~Requires inpatient~~*Inpatient* hospitalization for a period in
4 excess of 24 hours for other than medical observation.

5 (B) ~~Causes an employee to suffer the~~*The* loss of any member
6 of the body.

7 (C) ~~Causes an employee to suffer any~~*Any* serious degree of
8 permanent disfigurement.

9 ~~(D) Could reasonably lead to impairment of a part of the body~~
10 ~~by substantially reducing its efficiency on or off the job for more~~
11 ~~than 24 hours.~~

12 (D) *Impairment of the body in which part of the body is made*
13 *functionally useless or is substantially reduced in efficiency on or*
14 *off the job for more than 72 hours.*

15 (E) *A serious illness or impairment of the function of an organ,*
16 *such as the heart, lungs, liver, skin, and nervous system, that*
17 *substantially reduces efficiency on or off the job. An illness or*
18 *impairment of this type would usually require treatment beyond*
19 *first aid by a medical doctor or other licensed health care*
20 *professional.*

21 ~~(2) A single condition, practice, means, method, operation, or~~
22 ~~process can be properly classified as resulting in “serious physical~~
23 ~~harm.”~~

24 (2) *“Serious physical harm” may be caused by a single,*
25 *repetitive practice, means, method, operation, or process.*