

ASSEMBLY BILL

No. 511

Introduced by Assembly Member Gipson

February 23, 2015

An act to amend Section 3212.1 of, and to repeal and add Sections 3212, 3212.5, 3212.6, 3212.85, and 3212.9 of, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 511, as introduced, Gipson. Workers' compensation.

Existing law establishes a workers' compensation system to compensate an employee for injuries arising out of, and in the course of, his or her employment. Existing law designates illnesses and conditions that constitute a compensable injury for various employees, such as California Highway Patrol members, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to a biochemical substance when the illness or condition develops or manifests itself during a period when the officer or employee is in service of his or her employer, as specified.

This bill would expand the coverage of the above provisions relating to compensable injury, to include other, full-time peace officers described pursuant to specified provisions of law. The bill would also expand the coverage of these provisions to include, upon the approval of an ordinance or resolution adopted by the governing body of the contracting public agency, or the adoption of language to this effect in a city or county charter, or pursuant to the terms and conditions of employment set forth in a collective bargaining agreement, a custody assistant, correctional officer, security officer, or security assistant

employed by a public agency, or a peace officer other than a peace officer to whom these provisions already apply. The bill would also make technical and clarifying changes.

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 Section 3212 of the Labor Code is repealed.

2 ~~3212. In the case of members of a sheriff’s office or the~~

3 ~~California Highway Patrol, district attorney’s staff of inspectors~~

4 ~~and investigators or of police or fire departments of cities, counties,~~

5 ~~cities and counties, districts or other public or municipal~~

6 ~~corporations or political subdivisions, whether those members are~~

7 ~~volunteer, partly paid, or fully paid, and in the case of active~~

8 ~~firefighting members of the Department of Forestry and Fire~~

9 ~~Protection whose duties require firefighting or of any county~~

10 ~~forestry or firefighting department or unit, whether voluntary, fully~~

11 ~~paid, or partly paid, and in the case of members of the warden~~

12 ~~service of the Wildlife Protection Branch of the Department of~~

13 ~~Fish and Game whose principal duties consist of active law~~

14 ~~enforcement service, excepting those whose principal duties are~~

15 ~~clerical or otherwise do not clearly fall within the scope of active~~

16 ~~law enforcement service such as stenographers, telephone~~

17 ~~operators, and other officeworkers, the term “injury” as used in~~

18 ~~this act includes hernia when any part of the hernia develops or~~

19 ~~manifests itself during a period while the member is in the service~~

20 ~~in the office, staff, division, department, or unit, and in the case~~

21 ~~of members of fire departments, except those whose principal~~

22 ~~duties are clerical, such as stenographers, telephone operators, and~~

23 ~~other officeworkers, and in the case of county forestry or~~

24 ~~firefighting departments, except those whose principal duties are~~

25 ~~clerical, such as stenographers, telephone operators, and other~~

26 ~~officeworkers, and in the case of active firefighting members of~~

27 ~~the Department of Forestry and Fire Protection whose duties~~

28 ~~require firefighting, and in the case of members of the warden~~

29 ~~service of the Wildlife Protection Branch of the Department of~~

30 ~~Fish and Game whose principal duties consist of active law~~

31 ~~enforcement service, excepting those whose principal duties are~~

32 ~~clerical or otherwise do not clearly fall within the scope of active~~

1 law enforcement service such as stenographers, telephone
2 operators, and other officeworkers, the term “injury” includes
3 pneumonia and heart trouble that develops or manifests itself
4 during a period while the member is in the service of the office,
5 staff, department, or unit. In the case of regular salaried county or
6 city and county peace officers, the term “injury” also includes any
7 hernia that manifests itself or develops during a period while the
8 officer is in the service. The compensation that is awarded for the
9 hernia, heart trouble, or pneumonia shall include full hospital,
10 surgical, medical treatment, disability indemnity, and death
11 benefits, as provided by the workers’ compensation laws of this
12 state.

13 The hernia, heart trouble, or pneumonia so developing or
14 manifesting itself in those cases shall be presumed to arise out of
15 and in the course of the employment. This presumption is
16 disputable and may be controverted by other evidence, but unless
17 so controverted, the appeals board is bound to find in accordance
18 with it. The presumption shall be extended to a member following
19 termination of service for a period of three calendar months for
20 each full year of the requisite service, but not to exceed 60 months
21 in any circumstance, commencing with the last date actually
22 worked in the specified capacity.

23 The hernia, heart trouble, or pneumonia so developing or
24 manifesting itself in those cases shall in no case be attributed to
25 any disease existing prior to that development or manifestation.

26 SEC. 2. Section 3212 is added to the Labor Code, to read:

27 3212. (a) As used in this act, the term “injury” includes both
28 of the following:

29 (1) With respect to the following members, a hernia, when any
30 part of the hernia develops or manifests itself during a period while
31 the member is in the service of the office, staff, division,
32 department, or unit:

33 (A) Members of a sheriff’s office or the California Highway
34 Patrol, district attorney’s staff of inspectors and investigators, or
35 police or fire departments of cities, counties, cities and counties,
36 districts, or other public or municipal corporations or political
37 subdivisions, whether those members are volunteers, or are partly
38 paid or fully paid.

39 (B) Active firefighting members of the Department of Forestry
40 and Fire Protection whose duties require firefighting or of any

1 county forestry or firefighting department or unit, whether those
2 members are volunteers, or are partly paid or fully paid.

3 (C) Members of the warden service of the Wildlife Branch of
4 the Department of Fish and Wildlife whose principal duties consist
5 of active law enforcement service.

6 (D) Regular salaried county or city and county peace officers.

7 (E) Full-time peace officers, other than those described in
8 subparagraph (A) or (D), as described in Chapter 4.5 (commencing
9 with Section 830) of Title 3 of Part 2 of the Penal Code.

10 (F) Upon the approval of an ordinance or resolution adopted by
11 the governing body of the contracting public agency, or the
12 adoption of language to this effect in a city or county charter, or
13 pursuant to the terms and conditions of employment set forth in a
14 collective bargaining agreement, a custody assistant, correctional
15 officer, security officer, or security assistant employed by a public
16 agency, or a peace officer other than a peace officer described in
17 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
18 of the Penal Code.

19 (2) With respect to the following members, pneumonia and
20 heart trouble that develops or manifests itself during a period while
21 the member is in the service of the department:

22 (A) Members of fire departments.

23 (B) Members of county forestry or firefighting departments.

24 (C) Active firefighting members of the Department of Forestry
25 and Fire Protection whose duties require firefighting.

26 (D) Members of the warden service of the Wildlife Branch of
27 the Department of Fish and Wildlife whose principal duties consist
28 of active law enforcement service.

29 (E) Upon the approval of an ordinance or resolution adopted
30 by the governing body of the contracting public agency, or the
31 adoption of language to this effect in a city or county charter, or
32 pursuant to the terms and conditions of employment set forth in a
33 collective bargaining agreement, a custody assistant, correctional
34 officer, security officer, or security assistant employed by a public
35 agency, or a peace officer other than a peace officer described in
36 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
37 of the Penal Code.

38 (b) The compensation that is awarded for the hernia, heart
39 trouble, or pneumonia shall include full hospital, surgical, medical

1 treatment, disability indemnity, and death benefits, as provided by
2 the workers' compensation laws of this state.

3 (c) Hernia, heart trouble, or pneumonia developing or
4 manifesting as described in this section shall be presumed to arise
5 out of and in the course of employment. This presumption is
6 disputable and may be controverted by other evidence, but unless
7 controverted by other evidence, the appeals board is bound to find
8 in accordance with it. The presumption shall be extended to a
9 member following termination of service for a period of three
10 calendar months for each full year of the requisite service, but not
11 to exceed 60 months in any circumstance, commencing with the
12 last date actually worked in the specified capacity.

13 (d) Hernia, heart trouble, or pneumonia developing or
14 manifesting as described in this section shall not be attributed to
15 any disease existing prior to that development or manifestation.

16 (e) This section does not apply to persons whose principal duties
17 are clerical or otherwise do not clearly fall within the scope of
18 active law enforcement, including custody and corrections,
19 firefighting, or emergency first aid response service, such as
20 stenographers, receptionists, and other office workers.

21 SEC. 3. Section 3212.1 of the Labor Code is amended to read:

22 3212.1. (a) This section applies to all of the following:

23 (1) Active firefighting members, whether *those members are*
24 *volunteers, or are partly-paid, paid* or fully paid, of all of the
25 following fire departments:

26 (A) A fire department of a city, county, city and county, district,
27 or other public or municipal corporation or political subdivision.

28 (B) A fire department of the University of California and the
29 California State University.

30 (C) The Department of Forestry and Fire Protection.

31 (D) A county forestry or firefighting department or unit.

32 (2) Active firefighting members of a fire department that serves
33 a United States Department of Defense installation and who are
34 certified by the Department of Defense as meeting its standards
35 for firefighters.

36 (3) Active firefighting members of a fire department that serves
37 a National Aeronautics and Space Administration installation and
38 who adhere to training standards established in accordance with
39 Article 4 (commencing with Section 13155) of Chapter 1 of Part
40 2 of Division 12 of the Health and Safety Code.

1 (4) ~~Peace~~*Part-time peace* officers, as defined in Section 830.1,
2 subdivision (a) of Section 830.2, and subdivisions (a) and (b) of
3 Section 830.37, of the Penal Code, who are primarily engaged in
4 active law enforcement activities, *and full-time peace officers*
5 *described in Chapter 4.5 (commencing with Section 830) of Title*
6 *3 of Part 2 of the Penal Code.*

7 (5) (A) Fire and rescue services coordinators who work for the
8 Office of Emergency Services.

9 (B) For purposes of this paragraph, “fire and rescue services
10 coordinators” means coordinators with any of the following job
11 classifications: coordinator, senior coordinator, or chief
12 coordinator.

13 (6) *Upon the approval of an ordinance or resolution adopted*
14 *by the governing body of the contracting public agency, or the*
15 *adoption of language to this effect in a city or county charter, or*
16 *pursuant to the terms and conditions of employment set forth in a*
17 *collective bargaining agreement, a custody assistant, correctional*
18 *officer, security officer, or security assistant employed by a public*
19 *agency, or a peace officer other than a peace officer described in*
20 *Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of*
21 *the Penal Code.*

22 (b) The term “injury,” as used in this division, includes cancer,
23 including leukemia, that develops or manifests itself during a period
24 in which any member described in subdivision (a) is in the service
25 of the department or unit, if the member demonstrates that he or
26 she was exposed, while in the service of the department or unit,
27 to a known carcinogen as defined by the International Agency for
28 Research on Cancer, or as defined by the director.

29 (c) The compensation that is awarded for cancer shall include
30 full hospital, surgical, medical treatment, disability indemnity, and
31 death benefits, as provided by this division.

32 (d) The cancer so developing or manifesting itself in these cases
33 shall be presumed to arise out of and in the course of the
34 employment. This presumption is disputable and may be
35 controverted by evidence that the primary site of the cancer has
36 been established and that the carcinogen to which the member has
37 demonstrated exposure is not reasonably linked to the disabling
38 cancer. Unless so controverted, the appeals board is bound to find
39 in accordance with the presumption. This presumption shall be
40 extended to a member following termination of service for a period

1 of three calendar months for each full year of the requisite service,
2 but not to exceed 120 months in any circumstance, commencing
3 with the last date actually worked in the specified capacity.

4 (e) The amendments to this section enacted during the 1999
5 portion of the 1999–2000 Regular Session shall be applied to
6 claims for benefits filed or pending on or after January 1, 1997,
7 including, but not limited to, claims for benefits filed on or after
8 that date that have previously been denied, or that are being
9 appealed following denial.

10 (f) This section shall be known, and may be cited, as the William
11 Dallas Jones Cancer Presumption Act of 2010.

12 SEC. 4. Section 3212.5 of the Labor Code is repealed.

13 ~~3212.5. In the case of a member of a police department of a~~
14 ~~city or municipality, or a member of the State Highway Patrol,~~
15 ~~when any such member is employed upon a regular, full-time~~
16 ~~salary, and in the case of a sheriff or deputy sheriff, or an inspector~~
17 ~~or investigator in a district attorney's office of any county,~~
18 ~~employed upon a regular, full-time salary, the term "injury" as~~
19 ~~used in this division includes heart trouble and pneumonia which~~
20 ~~develops or manifests itself during a period while such member,~~
21 ~~sheriff, or deputy sheriff, inspector or investigator is in the service~~
22 ~~of the police department, the State Highway Patrol, the sheriff's~~
23 ~~office or the district attorney's office, as the case may be. The~~
24 ~~compensation which is awarded for such heart trouble or~~
25 ~~pneumonia shall include full hospital, surgical, medical treatment,~~
26 ~~disability indemnity, and death benefits as provided by the~~
27 ~~provisions of this division.~~

28 ~~Such heart trouble or pneumonia so developing or manifesting~~
29 ~~itself shall be presumed to arise out of and in the course of the~~
30 ~~employment; provided, however, that the member of the police~~
31 ~~department, State Highway Patrol, the sheriff or deputy sheriff, or~~
32 ~~an inspector or investigator in a district attorney's office of any~~
33 ~~county shall have served five years or more in such capacity before~~
34 ~~the presumption shall arise as to the compensability of heart trouble~~
35 ~~so developing or manifesting itself. This presumption is disputable~~
36 ~~and may be controverted by other evidence, but unless so~~
37 ~~controverted, the appeals board is bound to find in accordance~~
38 ~~with it. This presumption shall be extended to a member following~~
39 ~~termination of service for a period of three calendar months for~~
40 ~~each full year of the requisite service, but not to exceed 60 months~~

1 ~~in any circumstance, commencing with the last date actually~~
2 ~~worked in the specified capacity.~~

3 ~~Such heart trouble or pneumonia so developing or manifesting~~
4 ~~itself in such cases shall in no case be attributed to any disease~~
5 ~~existing prior to such development or manifestation.~~

6 ~~The term “members” as used herein shall be limited to those~~
7 ~~employees of police departments, the California Highway Patrol~~
8 ~~and sheriffs’ departments and inspectors and investigators of a~~
9 ~~district attorney’s office who are defined as peace officers in~~
10 ~~Section 830.1, 830.2, or 830.3 of the Penal Code.~~

11 SEC. 5. Section 3212.5 is added to the Labor Code, to read:

12 3212.5. (a) The term “injury” as used in this division includes
13 heart trouble and pneumonia that develops or manifests itself
14 during a period while a person described in this subdivision is in
15 the service of the agency, department, or office as described in
16 this subdivision, and the compensation that is awarded for heart
17 trouble or pneumonia as described in this section shall include full
18 hospital, surgical, medical treatment, disability indemnity, and
19 death benefits as provided by the provisions of this division for
20 the following persons when those persons are employed upon a
21 regular, full-time salary:

22 (1) A peace officer described in Chapter 4.5 (commencing with
23 Section 830) of Title 3 of Part 2 of the Penal Code who is employed
24 on a regular, full-time salary.

25 (2) An inspector or investigator in a district attorney’s office of
26 a county who is employed on a regular, full-time salary.

27 (3) Upon the approval of an ordinance or resolution adopted by
28 the governing body of the contracting public agency, or the
29 adoption of language to this effect in a city or county charter, or
30 pursuant to the terms and conditions of employment set forth in a
31 collective bargaining agreement, a custody assistant, correctional
32 officer, security officer, or security assistant employed by a public
33 agency, or a peace officer other than a peace officer described in
34 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
35 of the Penal Code.

36 (b) The heart trouble or pneumonia so developing or manifesting
37 itself shall be presumed to arise out of and in the course of the
38 employment; provided, however, that the person shall have served
39 five years or more in that capacity before the presumption shall
40 arise as to the compensability of heart trouble so developing or

1 manifesting itself. This presumption is disputable and may be
2 controverted by other evidence, but, unless so controverted, the
3 appeals board is bound to find in accordance with it. This
4 presumption shall be extended to a person following termination
5 of service for a period of three calendar months for each full year
6 of the requisite service, not to exceed 60 months in any
7 circumstance, commencing with the last date actually worked in
8 the specified capacity.

9 (c) The heart trouble or pneumonia so developing or manifesting
10 itself in these cases shall in no case be attributed to any disease
11 existing prior to its development or manifestation.

12 SEC. 6. Section 3212.6 of the Labor Code is repealed.

13 ~~3212.6. In the case of a member of a police department of a~~
14 ~~city or county, or a member of the sheriff's office of a county, or~~
15 ~~a member of the California Highway Patrol, or an inspector or~~
16 ~~investigator in a district attorney's office of any county whose~~
17 ~~principal duties consist of active law enforcement service, or a~~
18 ~~prison or jail guard or correctional officer who is employed by a~~
19 ~~public agency, when that person is employed upon a regular,~~
20 ~~full-time salary, or in the case of members of fire departments of~~
21 ~~any city, county, or district, or other public or municipal~~
22 ~~corporations or political subdivisions, when those members are~~
23 ~~employed on a regular fully paid basis, and in the case of active~~
24 ~~firefighting members of the Department of Forestry and Fire~~
25 ~~Protection whose duties require firefighting and first-aid response~~
26 ~~services, or of any county forestry or firefighting department or~~
27 ~~unit, where those members are employed on a regular fully paid~~
28 ~~basis, excepting those whose principal duties are clerical or~~
29 ~~otherwise do not clearly fall within the scope of active law~~
30 ~~enforcement, firefighting, or emergency first-aid response service~~
31 ~~such as stenographers, telephone operators, and other~~
32 ~~officeworkers, the term "injury" includes tuberculosis that develops~~
33 ~~or manifests itself during a period while that member is in the~~
34 ~~service of that department or office. The compensation that is~~
35 ~~awarded for the tuberculosis shall include full hospital, surgical,~~
36 ~~medical treatment, disability indemnity, and death benefits as~~
37 ~~provided by the provisions of this division.~~

38 ~~The tuberculosis so developing or manifesting itself shall be~~
39 ~~presumed to arise out of and in the course of the employment. This~~
40 ~~presumption is disputable and may be controverted by other~~

1 ~~evidence, but unless so controverted, the appeals board is bound~~
2 ~~to find in accordance with it. This presumption shall be extended~~
3 ~~to a member following termination of service for a period of three~~
4 ~~calendar months for each full year of the requisite service, but not~~
5 ~~to exceed 60 months in any circumstance, commencing with the~~
6 ~~last date actually worked in the specified capacity.~~

7 ~~A public entity may require applicants for employment in~~
8 ~~firefighting positions who would be entitled to the benefits granted~~
9 ~~by this section to be tested for infection for tuberculosis.~~

10 SEC. 7. Section 3212.6 is added to the Labor Code, to read:

11 3212.6. (a) (1) The term “injury” includes tuberculosis that
12 develops or manifests itself during a period while a person
13 described in this paragraph is in the service of the agency,
14 department, or office as described in this paragraph and the
15 compensation that is awarded for the tuberculosis shall include
16 full hospital, surgical, medical treatment, disability indemnity, and
17 death benefits as provided by the provisions of this division for
18 the following persons:

19 (A) A peace officer described in Chapter 4.5 (commencing with
20 Section 830) of Title 3 of Part 2 of the Penal Code if that person
21 is employed upon a regular, full-time salary.

22 (B) An inspector or investigator in a district attorney’s office
23 of a county who is employed on a regular, full-time salary.

24 (C) A prison or jail guard or correctional officer who is
25 employed by a public agency if that person is employed upon a
26 regular, full-time salary.

27 (D) Upon the approval of an ordinance or resolution adopted
28 by the governing body of the contracting public agency, or the
29 adoption of language to this effect in a city or county charter, or
30 pursuant to the terms and conditions of employment set forth in a
31 collective bargaining agreement, a custody assistant, correctional
32 officer, security officer, or security assistant employed by a public
33 agency, or a peace officer other than a peace officer described in
34 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
35 of the Penal Code, if that person is employed upon a regular,
36 full-time salary.

37 (E) A member of a fire department of any city, county, or
38 district, or other public or municipal corporations or political
39 subdivisions, if that person is employed on a regular, fully paid
40 basis.

1 (F) An active firefighting member of the Department of Forestry
2 and Fire Protection whose duties require firefighting and first aid
3 response services, or of a county forestry or firefighting department
4 or unit, if that person is employed on a regular, fully paid basis.

5 (2) The tuberculosis developing or manifesting itself as
6 described in paragraph (1) shall be presumed to arise out of and
7 in the course of the employment. This presumption is disputable
8 and may be controverted by other evidence, but unless so
9 controverted, the appeals board is bound to find in accordance
10 with it. This presumption shall be extended to a person described
11 in paragraph (1) following termination of service for a period of
12 three calendar months for each full year of the requisite service,
13 but not to exceed 60 months in any circumstance, commencing
14 with the last date actually worked in the specified capacity.

15 (b) A public entity may require applicants for employment in
16 firefighting positions who would be entitled to the benefits granted
17 by this section to be tested for infection for tuberculosis.

18 (c) This section does not apply to persons whose principal duties
19 are clerical or otherwise do not clearly fall within the scope of
20 active law enforcement, including custody and corrections,
21 firefighting, or emergency first aid response service, such as
22 stenographers, receptionists, and other office workers.

23 SEC. 8. Section 3212.85 of the Labor Code is repealed.

24 ~~3212.85.—(a) This section applies to peace officers described~~
25 ~~in Sections 830.1 to 830.5, inclusive, of the Penal Code, and~~
26 ~~members of a fire department.~~

27 ~~(b) The term “injury,” as used in this division, includes illness~~
28 ~~or resulting death due to exposure to a biochemical substance that~~
29 ~~develops or occurs during a period in which any member described~~
30 ~~in subdivision (a) is in the service of the department or unit.~~

31 ~~(c) The compensation that is awarded for injury pursuant to this~~
32 ~~section shall include full hospital, surgical, medical treatment,~~
33 ~~disability indemnity, and death benefits, as provided by this~~
34 ~~division.~~

35 ~~(d) The injury that develops or manifests itself in these cases~~
36 ~~shall be presumed to arise out of, and in the course of, the~~
37 ~~employment. This presumption is disputable and may be~~
38 ~~controverted by other evidence. Unless controverted, the appeals~~
39 ~~board is bound to find in accordance with the presumption. This~~
40 ~~presumption shall be extended to a member following termination~~

1 of service for a period of three calendar months for each full year
2 of the requisite service, but not to exceed 60 months in any
3 circumstance, commencing with the last date actually worked in
4 the specified capacity.

5 (e) For purposes of this section, the following definitions apply:

6 (1) “Biochemical substance” means any biological or chemical
7 agent that may be used as a weapon of mass destruction, including,
8 but not limited to, any chemical warfare agent, weaponized
9 biological agent, or nuclear or radiological agent, as these terms
10 are defined in Section 11417 of the Penal Code.

11 (2) “Members of a fire department” includes, but is not limited
12 to, an apprentice, volunteer, partly paid, or fully paid member of
13 any of the following:

14 (A) A fire department of a city, county, city and county, district,
15 or other public or municipal corporation or political subdivision.

16 (B) A fire department of the University of California and the
17 California State University.

18 (C) The Department of Forestry and Fire Protection.

19 (D) A county forestry or firefighting department or unit.

20 SEC. 9. Section 3212.85 is added to the Labor Code, to read:

21 3212.85. (a) The term “injury,” as used in this division,
22 includes illness or resulting death due to exposure to a biochemical
23 substance that develops or occurs during a period in which a person
24 described in this subdivision is in the service of the agency,
25 department, or unit as described in this subdivision:

26 (1) A part-time peace officer described in Sections 830.1 to
27 830.5, inclusive, of, or a full-time peace officer described in,
28 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
29 of the Penal Code.

30 (2) A member of a fire department.

31 (3) Upon the approval of an ordinance or resolution adopted by
32 the governing body of the contracting public agency, or the
33 adoption of language to this effect in a city or county charter, or
34 pursuant to the terms and conditions of employment set forth in a
35 collective bargaining agreement, a custody assistant, correctional
36 officer, security officer, or security assistant employed by a public
37 agency, or a peace officer other than a peace officer described in
38 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
39 of the Penal Code.

1 (b) The compensation that is awarded for injury pursuant to this
2 section shall include full hospital, surgical, medical treatment,
3 disability indemnity, and death benefits, as provided by this
4 division.

5 (c) The injury that develops or manifests itself in these cases
6 shall be presumed to arise out of, and in the course of, the
7 employment. This presumption is disputable and may be
8 controverted by other evidence. Unless controverted, the appeals
9 board is bound to find in accordance with the presumption. This
10 presumption shall be extended to a person described in subdivision
11 (a) following termination of service for a period of three calendar
12 months for each full year of the requisite service, but not to exceed
13 60 months in any circumstance, commencing with the last date
14 actually worked in the specified capacity.

15 (d) For purposes of this section, the following definitions apply:

16 (1) "Biochemical substance" means any biological or chemical
17 agent that may be used as a weapon of mass destruction, including,
18 but not limited to, any chemical warfare agent, weaponized
19 biological agent, or nuclear or radiological agent, as these terms
20 are defined in Section 11417 of the Penal Code.

21 (2) "Member of a fire department" includes, but is not limited
22 to, an apprentice, volunteer, partly paid, or fully paid member of
23 any of the following:

24 (A) A fire department of a city, county, city and county, district,
25 or other public or municipal corporation or political subdivision.

26 (B) A fire department of the University of California and the
27 California State University.

28 (C) The Department of Forestry and Fire Protection.

29 (D) A county forestry or firefighting department or unit.

30 SEC. 10. Section 3212.9 of the Labor Code is repealed.

31 ~~3212.9. In the case of a member of a police department of a~~
32 ~~city, county, or city and county, or a member of the sheriff's office~~
33 ~~of a county, or a member of the California Highway Patrol, or a~~
34 ~~county probation officer, or an inspector or investigator in a district~~
35 ~~attorney's office of any county whose principal duties consist of~~
36 ~~active law enforcement service, when that person is employed on~~
37 ~~a regular, full-time salary, or in the case of a member of a fire~~
38 ~~department of any city, county, or district, or other public or~~
39 ~~municipal corporation or political subdivision, or any county~~
40 ~~forestry or firefighting department or unit, when those members~~

1 are employed on a regular full-time salary, excepting those whose
2 principal duties are clerical or otherwise do not clearly fall within
3 the scope of active law enforcement or firefighting, such as
4 stenographers, telephone operators, and other officeworkers, the
5 term “injury” includes meningitis that develops or manifests itself
6 during a period while that person is in the service of that
7 department, office, or unit. The compensation that is awarded for
8 the meningitis shall include full hospital, surgical, medical
9 treatment, disability indemnity, and death benefits as provided by
10 the provisions of this division.

11 The meningitis so developing or manifesting itself shall be
12 presumed to arise out of and in the course of the employment. This
13 presumption is disputable and may be controverted by other
14 evidence, but unless so controverted, the appeals board is bound
15 to find in accordance with it. This presumption shall be extended
16 to a person following termination of service for a period of three
17 calendar months for each full year of the requisite service, but not
18 to exceed 60 months in any circumstance, commencing with the
19 last date actually worked in the specified capacity.

20 SEC. 11. Section 3212.9 is added to the Labor Code, to read:

21 3212.9. (a) The term “injury” includes meningitis that develops
22 or manifests itself when one of the following persons is in the
23 service of the agency, department, or unit as described in this
24 subdivision and the compensation that is awarded for meningitis
25 shall include full hospital, surgical, medical treatment, disability
26 indemnity, and death benefits as provided by this division:

27 (1) A peace officer described in Chapter 4.5 (commencing with
28 Section 830) of Title 3 of Part 2 Penal Code who is employed on
29 a regular, full-time salary.

30 (2) An inspector or investigator in a district attorney’s office of
31 a county whose principal duties consist of active law enforcement
32 service and who is employed on a regular, full-time salary.

33 (3) A member of a fire department of any city, county, or
34 district, or other public or municipal corporation or political
35 subdivision, or a county forestry or firefighting department or unit,
36 who is employed on a regular, full-time salary.

37 (4) Upon the approval of an ordinance or resolution adopted by
38 the governing body of the contracting public agency, or the
39 adoption of language to this effect in a city or county charter, or
40 pursuant to the terms and conditions of employment set forth in a

1 collective bargaining agreement, a custody assistant, correctional
2 officer, security officer, or security assistant employed by a public
3 agency, or a peace officer other than a peace officer described in
4 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
5 of the Penal Code who is employed on a regular, full-time salary.

6 (b) For purposes of this section, meningitis shall be presumed
7 to arise out of, and in the course of, the employment. This
8 presumption is disputable and may be controverted by other
9 evidence, but unless so controverted, the appeals board is bound
10 to find in accordance with it. This presumption shall be extended
11 to a person following termination of service for a period of three
12 calendar months for each full year of the requisite service, but not
13 to exceed 60 months in any circumstance, commencing with the
14 last date actually worked in the specified capacity.

15 (c) This section does not apply to persons whose principal duties
16 are clerical or otherwise do not clearly fall within the scope of
17 active law enforcement, including custody and corrections, or
18 firefighting, such as stenographers, receptionists, and other office
19 workers.

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