

AMENDED IN ASSEMBLY MAY 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1923

Introduced by Assembly Member Lowenthal

February 10, 2004

An act to ~~amend Section 6401.7 of~~ *add Section 6401.8 to* the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1923, as amended, Lowenthal. Occupational safety and health: *emergency response personnel*.

Existing law requires employers to establish, implement, and maintain a written injury prevention program that contains certain mandatory provisions as part of an effort to reduce workplace injuries. ~~Existing law further requires that employers correct unsafe and unhealthy conditions and practices in a timely manner. Under existing law, an employer who knowingly, negligently, or repeatedly violates these provisions is guilty of a misdemeanor.~~

This bill ~~would define "unhealthy condition" to include exposure to a critical incident, as defined, and would require employers or an employer of emergency response personnel, as defined, to establish, implement, and maintain a critical incident stress program~~ *make counseling services available to its employees* for the purpose of relieving stress *suffered by those employees* generated by exposure to a critical incident, *as defined*.

This bill would encourage fire departments to seek federal assistance to aid the departments in making counseling services available to their employees.

This bill would additionally provide that an employer of emergency response personnel that, as of the effective date of this bill, makes counseling services available to its employees for the purpose of relieving stress suffered by those employees generated from exposure to a critical incident, shall be deemed to be in compliance with the requirements of this bill.

Because an employer who violates the requirement imposed by this bill would be guilty of a misdemeanor under existing law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 ~~SECTION 1.—Section 6401.7 of the Labor Code is amended~~
- 2 *SECTION 1. Section 6401.8 is added to the Labor Code, to*
- 3 *read:*
- 4 *6401.8. (a) An employer of emergency response personnel*
- 5 *shall make counseling services available to its employees for the*
- 6 *purpose of relieving stress suffered by those employees generated*
- 7 *by exposure to a critical incident.*
- 8 *(b) For purposes of this section:*
- 9 *(1) “Critical incident” means an incident involving mass*
- 10 *human casualties that could adversely affect the psychological*
- 11 *and physical well-being of emergency response personnel.*
- 12 *(2) “Emergency response personnel” includes workers whose*
- 13 *duties substantially consist of providing emergency response*
- 14 *services, but does not include workers who are occasionally called*
- 15 *upon to render emergency services incidental to their normal*
- 16 *duties.*
- 17 *(c) Fire departments are encouraged to seek federal financial*
- 18 *assistance through the Assistance to Firefighters Grant Program*
- 19 *administered by the United States Office for Domestic*
- 20 *Preparedness in cooperation with the United States Fire*



1 Administration to aid the fire departments in making counseling
2 services available to their employees, as required by this section.

3 (d) An employer of emergency response personnel that, as of
4 the effective date of this section, makes counseling services
5 available to its employees for the purpose of relieving stress
6 suffered by those employees generated by exposure to a critical
7 incident, shall be deemed to be in compliance with the
8 requirements of this section.

9 (e) Compliance with the requirements of this section does not
10 affect the obligation of an employer of emergency response
11 personnel to establish, implement, and maintain an effective injury
12 prevention program, as required by Section 6401.7.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

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24 **All matter omitted in this version of the**
25 **bill appears in the bill as introduced in the**
26 **Assembly, February 20, 2004 (JR 11)**
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