

Introduced by Senator Laird

January 28, 2025

An act to amend Section 3212.1 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 230, as introduced, Laird. Workers' compensation: firefighters.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee, as defined, for injuries sustained in the course of employment. Existing law creates a rebuttable presumption that specified injuries, such as cancer, developed or manifested in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment. Existing law makes these provisions applicable to certain active firefighting members, including volunteers who are partly paid or fully paid by, among others, the Department of Forestry and Fire Protection or a county forestry or firefighting unit.

This bill would additionally apply these provisions to active firefighting members of a fire department that provides fire protection to a commercial airport, as specified.

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 3212.1 of the Labor Code is amended to
- 2 read:
- 3 3212.1. (a) This section applies to all of the following:

1 (1) Active firefighting members, whether volunteers, partly
2 paid, or fully paid, of all of the following fire departments:

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

5 (B) A fire department of the University of California and the
6 California State University.

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

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

9 (2) Active firefighting members of a fire department that serves
10 a United States Department of Defense installation and who are
11 certified by the Department of Defense as meeting its standards
12 for firefighters.

13 (3) Active firefighting members of a fire department that serves
14 a National Aeronautics and Space Administration installation and
15 who adhere to training standards established in accordance with
16 Article 4 (commencing with Section 13155) of Chapter 1 of Part
17 2 of Division 12 of the Health and Safety Code.

18 *(4) Active firefighting members of a fire department that*
19 *provides fire protection to a commercial airport regulated by the*
20 *Federal Aviation Administration (FAA) under Part 139*
21 *(commencing with Section 139.5) of Subchapter G of Chapter I of*
22 *Title 14 of the Federal Code of Regulations and are trained and*
23 *certified by the State Fire Marshal as meeting the standards of*
24 *Fire Control 5 and Section 139.319 of Title 14 of the Federal Code*
25 *of Regulations.*

26 ~~(4)~~

27 (5) Peace officers, as defined in Section 830.1, subdivision (a)
28 of Section 830.2, and subdivisions (a) and (b) of Section 830.37,
29 of the Penal Code, who are primarily engaged in active law
30 enforcement activities.

31 ~~(5)~~

32 (6) (A) Fire and rescue services coordinators who work for the
33 Office of Emergency Services.

34 (B) For purposes of this paragraph, “fire and rescue services
35 coordinators” means coordinators with any of the following job
36 classifications: coordinator, senior coordinator, or chief
37 coordinator.

38 (b) The term “injury,” as used in this division, includes cancer,
39 including leukemia, that develops or manifests itself during a period
40 in which any member described in subdivision (a) is in the service

1 of the department or unit, if the member demonstrates that ~~he or~~
2 ~~she was~~ *they were* exposed, while in the service of the department
3 or unit, to a known carcinogen as defined by the International
4 Agency for Research on Cancer, or as defined by the director.

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

8 (d) The cancer so developing or manifesting itself in these cases
9 shall be presumed to arise out of and in the course of the
10 employment. This presumption is disputable and may be
11 controverted by evidence that the primary site of the cancer has
12 been established and that the carcinogen to which the member has
13 demonstrated exposure is not reasonably linked to the disabling
14 cancer. Unless so controverted, the appeals board is bound to find
15 in accordance with the presumption. This presumption shall be
16 extended to a member following termination of service for a period
17 of three calendar months for each full year of the requisite service,
18 but not to exceed 120 months in any circumstance, commencing
19 with the last date actually worked in the specified capacity.

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

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