



## **Legislative and Industry Updates – October 2019**

The following is an update on legislative activity which may impact the FASIS Workers' Compensation program:

### **LEGISLATIVE ACTIVITY**

#### **AB 932 - Firefighter Injuries Out of State (Low and Petrie-Norris)**

Similar to AB 1749 from the last session which expanded out of state coverage for Peace Officers **IF** the employer had passed a resolution agreeing to provide coverage, this proposal expands out of state coverage for Firefighters, including those which may have been injured during the Las Vegas shooting 10/01/17. At this time, one of the primary differences in the bill as proposed is that it **DOES NOT** require a resolution from the employer to provide coverage.

The last Legislative Analysis provided April 26, 2019 states: *“In order to obtain workers' compensation benefits under the bill, injured firefighters would have to prove that they were engaging in rescue and protective actions, as opposed to merely being one of the many innocent bystanders shot by the sniper. This is true of virtually all workers' compensation claims – the burden is on the employee to show that the injuries grew out of activities that are job/duty related.”* The bill had passed to the Senate and was then referred to the Committee on Labor, Public Employment and Retirement, however, it has not progressed further as of this last session. CAJPA expects that it may be acted upon in January 2020. We will continue to review for updates at that time.

#### **SB 542 - PTSD Presumption (Stern)**

This bill will add to the 10 current presumptive injuries for firefighting personnel and peace officers, coverage for “mental health condition or mental disability that results in a diagnosis of post-traumatic stress or mental health disorder”.

This bill would provide, until January 1, 2025, that in the case of certain state and local firefighting personnel and peace officers, the term “injury” also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. **The bill would apply to injuries occurring on or after January 1, 2020** and would prohibit compensation from being paid for a claim of injury unless the member has performed services for the department or unit for at least 6 months, unless the injury is caused by a sudden and extraordinary employment condition.

## **FASIS Industry Updates – October 2019**

The Governor approved the bill during the last session, on 10/01/19. It is unknown what the full impact will be on workers' compensation costs and premiums as a result, though it is expected to drive costs through increased claim filing for related injuries.

### **AB 1400 – Fire Service Personnel (Kamlager-Dove)**

Existing law provides for a presumption of compensability for cancer arising from the employment of active firefighters. This bill, as originally amended, would have expanded that presumption to "Fire Fighting Operations: Civilian Employees" granting presumptive benefits to non-public safety positions that are not exposed to the same safety or health hazards.

This bill has since been further amended and now requires the Occupational Safety and Health Standards Board to develop health and safety standards for mechanics that repair and clean firefighting vehicles and equipment on an emergency basis (January 1, 2020) and a permanent basis (January 1, 2021). Additionally, AB 1400 requires that the Commission on Health and Safety and Workers' Compensation, in partnership with the County of Los Angeles and relevant labor organizations, conduct a study on the carcinogenic exposure facing mechanics of firefighting equipment and vehicles. The proponents believe that a CHSWC study will ensure that a sufficient base of research and data is available to both the Legislature and the Los Angeles County Board of Supervisors to guide future policy initiatives.

Given the amendments, allowing for further research to be conducted prior to evaluating potential for expansion of presumptive injury, CAJPA had shifted to take a "neutral" stance on the bill. The Governor approved the bill during the last session, on 10/10/19.