

OCERS Administrative Procedure (OAP) Disability Presumptions

I. Purpose

The purpose of this OCERS administrative procedure (OAP) is to describe how the OCERS Board of Retirement (Board), the Board's Disability Committee, and the OCERS Chief Executive Officer (CEO) apply the rules governing disability presumptions under Government Code sections 31720.5, 31720.6, 31720.7, 31720.9, 31720.91, 31720.92, 31720.93, 31720.96, and 31720.97.

II. Authority

This OAP is established pursuant to the CEO Charter, which directs the CEO to develop staff policies and procedures to ensure the effective and efficient administration of member benefits. The OAP is in conformance with Board policy, the County Employees Retirement Law (California Government Code section 31450, *et seq.*) (CERL), and the Public Employees' Pension Reform Act (Government Code, sections 7522 - 7522.74) (PEPRA).

III. Introduction

A member of OCERS is eligible for a service-connected disability retirement allowance if:

1. The Board finds the member permanently incapacitated, physically or mentally, from performing the usual duties of a permanent assignment within their job classification;ⁱ and
2. The incapacity arose out of and in the course of their employment, and such employment contributed substantially to their being incapacitated.ⁱⁱ

This "arose out of and in the course of employment" element (sometimes referred to as AOE/COE or industrial causation) is necessary for service-connection. The member must establish that the incapacitating injury or disease arose out of and in the course of employment by offering evidence of a real and measurable connection between the employment and the injury or illness that causes the permanent incapacity.ⁱⁱⁱ Normally, the member has the burden to prove this connection by a preponderance of the evidence.

Ultimately, the Board determines from the evidence whether there is or is not a sufficient causal connection between the employment and the incapacity for the disability to be service-connected.

The disability presumptions ("heart trouble" at Gov. Code, § 31720.5, cancer at § 31720.6, blood-borne infectious disease or MRSA skin infection at § 31720.7, exposure to biochemical substances at § 31720.9, post-traumatic stress disorder at § 31720.91, tuberculosis at § 31720.92, meningitis at § 31720.93, lower back impairments at § 31720.96, and hernia or pneumonia at § 31720.97) relieve the member of their burden to prove service-connection.^{iv}

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Each presumption statute specifies prerequisites that a member must satisfy in order for the presumption to apply. It is the member's burden to establish these prerequisites by a preponderance of the evidence. **Upon doing so, the presumption applies, and the member does not have to prove industrial causation; instead, OCERS must disprove it.**

The presumption statutes do not create a presumption that the member is incapacitated for duty. **The member still bears the burden of proving that they are permanently incapacitated.**

The presumptions are rebuttable, i.e., they may be overcome by contrary evidence. A rebuttable presumption establishes the existence of a fact unless evidence is introduced which would support a finding that the presumed fact does not exist.^v For example, the heart trouble presumption (Gov. Code, § 31720.5) shifts the burden of proof on the issue of service-connection from the member to the retirement system, which must prove that the heart trouble did not arise out of or occur in the course of employment.

IV. Heart Trouble Presumption

If a member in one of the designated occupations has at least five years of service credit and becomes permanently incapacitated due to heart trouble, it will be presumed that the heart trouble developed out of and in the course and scope of their employment. Unless rebutted, the member's disability retirement will be service-connected.

Prerequisites for application of the heart trouble presumption under Gov. Code, § 31720.5

- 1. The member must be a safety member,^{vi} a fireman member, or a member in active law enforcement**
 - "Fireman member" and "member in active law enforcement" include a member engaged in active fire suppression or active law enforcement *regardless* of whether they are a safety member.
 - "Active law enforcement" includes positions with principal duties which pertain to the active investigation and suppression of crime, the arrest and detention of criminals, and the administrative control of such duties in the offices of the sheriff and district attorney, including Sheriff's Special Officers (SSOs).^{vii}
- 2. The member must have at least five years of service**
 - The member must have completed five years or more of service with OCERS, another retirement system established under the CERL or the Public Employees Retirement System (CalPERS), or a pension system established by the County Peace Officers' Retirement Law (Gov. Code, §§ 31900, *et seq.*), or the County Fire Service

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Retirement Law (Gov. Code, §§ 32200, *et seq.*). The "five years or more of service" does not have to be entirely with the county from which the member is retiring.

3. The member must develop heart trouble

- "Heart trouble" is any disease or malfunction of the heart.
- The heart trouble must develop or manifest during a period while the member is in the service of the specified department, office, or unit.

4. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked as a firefighter member or member in active law enforcement. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites.

The presumption includes a **non-attribution provision** stating that the heart trouble will not be attributed to any disease existing before the development or manifestation of the heart trouble. However, the presumption may be rebutted by, for example, proof that a contemporaneous nonwork-related event was the cause of the heart trouble.

V. Cancer Presumption

If a member in one of the designated occupations has at least five years of service credit and becomes permanently incapacitated due to cancer and establishes they were exposed to a known carcinogen as a result of the performance of their job duties, it will be presumed that the cancer developed out of and in the course of employment. Unless rebutted, the resulting disability retirement will be service-connected.

Prerequisites for application of the cancer presumption under Gov. Code, § 31720.6

1. Occupation

- The member must be, or must have been, a safety member,^{viii} a firefighter, or a member in active law enforcement.^{ix}

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- "Firefighter" and "member in active law enforcement" include a member engaged in active fire suppression or active law enforcement *regardless* of whether they are a safety member.
- "Member in active law enforcement " includes Sheriff's Special Officers (SSOs).

2. At least five years of service

- The member must have completed five years or more of service with OCERS, another retirement system established under the CERL or the Public Employees Retirement System (CalPERS), or a pension system established by the County Peace Officers' Retirement Law (Gov. Code, §§ 31900, *et seq.*), or the County Fire Service Retirement Law (Gov. Code, §§ 32200, *et seq.*). The "five years or more of service" does not have to be entirely with the county from which the member is retiring.

3. The member develops cancer

- The cancer must develop during a period while the member is in the service of the specified department or unit.

4. Permanent Incapacity

- The member must be permanently incapacitated for the performance of duty because of the cancer.

5. Exposure to carcinogen

- The member must demonstrate that they were exposed to a "known carcinogen" due to the performance of job duties.
- "Known carcinogen" is defined as a carcinogenic agent recognized by the International Agency for Research on Cancer (IARC) or the Director of the Division of Industrial Accidents.^x
- There must be substantial evidence of a real and measurable exposure to a known carcinogen, albeit not necessarily a carcinogen that causes the cancer from which the member suffers.

6. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months in any circumstance, commencing with the last date the member actually worked in the specified capacity. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

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Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by OCERS and may be controverted by evidence that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer, *provided* that the primary site of the cancer has been established. Therefore, to rebut the presumption of service-connection, evidence must be provided that (1) the primary site of the cancer is established and (2) that exposure to the identified carcinogen is not reasonably linked to the member's disabling cancer.

The presumption includes a non-attribution provision stating that the cancer will not be attributed to any disease existing prior to the development or manifestation of the cancer. Therefore, OCERS may not rebut the presumption by attributing the cancer to disease the member had previously.

VI. Blood-borne Infectious Disease Presumption

If a member in one of the designated occupations becomes permanently incapacitated due to a blood-borne infectious disease or methicillin-resistant *Staphylococcus aureus* skin infection (MRSA), it will be presumed that the disease developed out of and in the course of their employment. Unless rebutted, the resulting disability retirement will be service-connected.

Prerequisites for application of the blood-borne infectious disease presumption under Gov. Code, § 31720.7

1. Occupation

- The member must be, or must have been, a safety member,^{xi} a firefighter, a county probation officer, or a member in active law enforcement. A "member in active law enforcement" is expressly defined for purposes of Section 31720.7^{xii} and encompasses Sheriff's Special Officers.
- *Absent from the blood-borne infectious disease presumption is the requirement that the member have five years of service.*

2. Member develops blood borne disease or MRSA

- "Blood borne infectious disease" is defined as "a disease caused by exposure to pathogenic microorganisms that are present in human blood that can cause disease in humans, including, but not limited to, those pathogenic microorganisms defined as blood-borne pathogens by the Department of Industrial Relations."^{xiii}

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- The Department of Industrial Relations has defined the following as blood borne pathogens: hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).^{xiv}
- Proof of on-the-job exposure to a blood borne infectious disease or MRSA is *not* required for the presumption to arise.
- The blood-borne infectious disease or MRSA must develop or manifest during a period while the member is in the service of the specified office, staff, division, department, or unit.

3. Member becomes incapacitated for duty

- The permanent incapacity must result from blood borne infectious disease or MRSA skin infection.

4. Time limit

- In the case of a blood-borne disease, the presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months in any circumstance, commencing with the last date the member actually worked in the specified capacity.
- In the case of a MRSA skin infection, the presumption is extended to a member following termination of service for a period of ninety days, commencing with the last day actually worked in the specified capacity.
- The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites. The presumption includes a non-attribution provision stating that the blood-borne infectious disease or MRSA will in no case be attributed to any disease or skin infection existing prior to its development or manifestation.

VII. Exposure to Biochemical Substances Presumption

If a member in one of the designated occupations becomes ill or dies due to exposure to a biochemical substance, it will be presumed that the illness or injury resulting from exposure to a biochemical substance developed out of and in the course of employment. Unless rebutted by contrary evidence, the resulting disability will be considered service-connected.

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Prerequisites for application of the biochemical substance exposure presumption under Gov. Code, § 31720.9

1. Occupation

- The member must be a “peace officer” as defined in Penal Code sections 830.1 to 830.5, or a firefighter. Peace officers include a sheriff, undersheriff, deputy sheriff, district attorney investigator, and probation officers.
- Section 31720.9 does not expressly include those who are engaged in active law enforcement or active firefighting who are not safety members but does exclude a member whose principal duties are clerical or otherwise do not fall within the scope of active law enforcement services or active firefighting services, such as stenographers, telephone operators, and other office workers (Gov. Code, § 31720.9, subsection (d)).
- *Absent from the biochemical substance presumption is the requirement that the member have five years of service.*

2. Exposure to a biochemical substance

- The member must identify the actual exposure to a weaponized biological or chemical agent, or nuclear or radiological agent, as defined in Penal Code § 11417.^{xv}

3. Member must be permanently incapacitated from exposure to a biochemical substance

- The member must become ill (or die) due to exposure to a biochemical substance, and the illness must render them permanently incapacitated for the performance of duty.

4. The illness must develop or manifest during a period in which the member is in the service of the department or unit

5. Time Limit

- The presumption is extended to a member following termination of service for a period of three (3) calendar months for each full year of the requisite service, but shall not exceed sixty (60) months in any circumstance, commencing with the last date actually worked in the specified capacity. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption may be rebutted by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites. The presumption includes a non-attribution provision, stating that the illness that develops or manifests due to the exposure will not be

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attributed to any illness existing prior to that development or manifestation. However, OCERS may rebut the presumption by, for example, evidence that there was no exposure, that the member is not incapacitated by the resulting illness, or by scientific evidence that there is no reasonable link between the specific exposure and the incapacitating illness.

VIII. Post-Traumatic Stress Disorder Presumption

(effective until January 1, 2025)

If a member in one of the designated occupations becomes permanently incapacitated due to post-traumatic stress disorder ("PTSD"), it will be presumed that the disorder arose out of and in the course of employment. Unless rebutted, the resulting disability retirement will be service-connected.

Prerequisites for application of the PTSD presumption under Gov. Code, § 31720.91

1. Occupation

- The member must be, or must have been, in a classification listed under Labor Code section 3212.15, which includes active firefighting members and peace officers primarily engaged in active law enforcement, including members of a sheriff's office, district attorney investigators, and probation officers.^{xvi}

2. The Member develops PTSD

- The PTSD must develop or manifest itself while the member is in the service of a specified department, office, or unit.
- The PTSD must be diagnosed based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association.^{xvii}

3. Permanent Incapacity

- The member must be permanently incapacitated because of the PTSD.

4. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

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5. The presumption expires January 1, 2029^{xviii}

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites.

IX. Tuberculosis Presumption

If a member in one of the designated occupations becomes permanently incapacitated due to tuberculosis, it will be presumed that the disorder arose out of and in the course of employment. Unless rebutted, the resulting disability retirement will be service-connected.

Prerequisites for application of the tuberculosis presumption under Gov. Code, § 31720.92

1. Occupation

- The member must be, or must have been, in a classification listed under Labor Code section 3212.6, which includes members of a sheriff's department, fire department, district attorney investigators, prison or jail guards, or correctional officers whose principal duties clearly fall within the scope of active law enforcement, firefighting, or emergency first-aid response. ^{xix}

2. The member develops tuberculosis

- The tuberculosis must develop or manifest during a period while the member is in the service of a specified department, office, or unit.

3. Permanent Incapacity

- The member must be permanently incapacitated because of the tuberculosis.

4. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. To rebut the presumption, OCERS must prove the member did not meet one or more prerequisites.

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X. Meningitis Presumption

If a member in one of the designated occupations becomes permanently incapacitated due to meningitis, it will be presumed that the disorder arose out of and in the course of employment. Unless rebutted, the resulting disability retirement allowance will be service-connected.

Prerequisites for application of the meningitis presumption under Gov. Code, § 31720.93

1. Occupation

- The member must be, or must have been, in a classification listed under Labor Code Section 3212.9, which includes members of the sheriff's office, fire department, probation officers, and district attorney investigator whose principal duties clearly fall within the scope of active law enforcement or firefighting.^{xx}

2. The member develops meningitis

- The meningitis must develop or manifest while the member is in service.

3. Permanent Incapacity

- The member must be permanently incapacitated for the performance of duty because of the meningitis.

4. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites.

XI. Lower Back Impairment Presumption

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If a member in one of the designated occupations becomes permanently incapacitated due to lower back impairments, it will be presumed that the disorder arose out of and in the course of employment. Unless rebutted, the resulting disability retirement will be service-connected.

Prerequisites for application of the lower back impairment presumption under Gov. Code, § 31720.96

1. Occupation

- The member must be, or must have been, in a classification listed under Labor Code Section 3213.2, which includes members of a sheriff's office.^{xxi}

2. Employed full-time for at least five years

- The member must have been employed for at least five years on a full-time basis in a specified classification. The five years may include full-time employment while a member of OCERS or another retirement system established under the CERL, the Public Employees Retirement System (CalPERS), a pension system established by the County Peace Officers' Retirement Law (Gov. Code, §§ 31900, et seq.), or the County Fire Service Retirement Law (Gov. Code, §§ 32200, et seq.) The five years or more of full-time employment do not have to be entirely with the county from which the member is retiring.

3. Required to wear a duty belt

- The member must have been required to wear a duty belt as a condition of employment. "Duty belt" is defined as "a belt used for the purpose of holding a gun, handcuffs, baton, and other items related to law enforcement."^{xxii}

4. The Member develops lower back impairment

- The lower back impairment must develop or manifest while the member is in the service of the specified department, office, or unit.

5. Permanent Incapacity

- The member must be permanently incapacitated because of the lower back impairment.

6. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date the member actually worked in the classification specified. The member is permitted to

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demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites.

XII. Hernia or Pneumonia Presumption

If a member in one of the designated occupations becomes permanently incapacitated due to hernia or pneumonia, it will be presumed that the disorder arose out of and in the course of employment. Unless rebutted, the resulting disability retirement will be service-connected.

Prerequisites for application of the hernia or pneumonia presumption under Gov. Code, § 31720.97

1. Occupation

- The member must be, or must have been, in a classification listed under Labor Code Section 3213.2, which includes members of a sheriff's office and district attorney investigators whose principal duties clearly fall within the scope of active law enforcement, and members of a firefighting department, except those whose principal duties are clerical.^{xxiii}
- The presumption applies to a member whose principal duties are within the scope of active law enforcement or active fire suppression *regardless* of whether they are a safety member.
- "Member in active law enforcement" includes Sheriff's Special Officers (SSOs).

2. The member develops a hernia or pneumonia

- The hernia or pneumonia must develop or manifest during a period while the member is in the service of the specified office, staff, division, department, or unit.

3. Permanent Incapacity

- The member must be permanently incapacitated because of the hernia or pneumonia.

4. Time limit

- The presumption is extended to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but shall not exceed 60 months regardless of the member's length of service, commencing with the last date

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the member actually worked in the classification specified. The member is permitted to demonstrate incapacity within the period that the presumption applies, even if the incapacity manifests after termination of service.

Once the member establishes these prerequisites, the presumption of service connection will apply unless OCERS rebuts it.

The presumption is rebuttable by evidence to the contrary. OCERS may also prove the member did not meet one or more prerequisites.

ⁱ See OCERS Administrative Procedure: Disability – Performance of Duty

ⁱⁱ Gov. Code, § 31720

ⁱⁱⁱ *Bowen v. Board of Retirement* (1986) 42 Cal.3d 572, 577-579

^{iv} Government Code section 31720.95 provides a presumption for Lyme disease. This presumption, however, does not apply to OCERS membership. The express language limits application to employees of various State of California agencies. In addition, Government Code section 31720.94 provides a presumption for skin cancer that applies only to active lifeguards. However, there are no active lifeguards within OCERS membership as of the effective date of this OCERS Administrative Procedure (OAP) Disability Presumptions.

^v Evid. Code, §§ 604 and 606

^{vi} "Safety member" is defined by Government Code sections 31469.3 and 31469.4.

^{vii} 22 Ops.Cal.Atty.Gen. 227 (1953) at p. 229

^{viii} "Safety member" is defined by Government Code sections 31469.3 and 31469.4.

^{ix} "Active law enforcement" includes positions with principal duties which pertain to the active investigation and suppression of crime, the arrest and detention of criminals, and the administrative control of such duties in the offices of the sheriff and district attorney, including Sheriff's Special Officers (SSOs).

^x For the IARC list of carcinogens go to the IARC web site at www.iarc.fr/. For the list of carcinogens recognized by the Director of the Division of Industrial Accidents, see Cal. Code Regs., tit. 8, § 330.

^{xi} "Safety member" is defined by Government Code sections 31469.3 and 31469.4.

^{xii} "Member in active law enforcement" for purposes of Section 31720.7 is expressly defined as "members employed by a sheriff's office, by a police or fire department...or who are employed by any county forestry

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or firefighting department or unit, except any of those members whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement services or active firefighting services, such as stenographers, telephone operators, and other office workers, and includes a member engaged in active law enforcement who is not classified as a safety member.” (Gov. Code, § 31720.7, subd. (e).)

^{xiii} Gov. Code, § 31720.7, subd. (d).

^{xiv} Cal. Code Regs., tit. 8, § 5193

^{xv} § 11417. Definitions

(a) For the purposes of this article, the following terms have the following meanings:

(1) "Weapon of mass destruction" includes chemical warfare agents, weaponized biological or biologic warfare agents, restricted biological agents, nuclear agents, radiological agents, or the intentional release of industrial agents as a weapon, or an aircraft, vessel, or vehicle, as described in Section 34500 of the Vehicle Code, which is used as a destructive weapon.

(2) "Chemical Warfare Agents" includes, but is not limited to, the following weaponized agents, or any analog of these agents:

(A) Nerve agents, including Tabun (GA), Sarin (GB), Soman (GD), GF, and VX.

(B) Choking agents, including Phosgene (CG) and Diphosgene (DP).

(C) Blood agents, including Hydrogen Cyanide (AC), Cyanogen Chloride (CK), and Arsine (SA).

(D) Blister agents, including mustards (H, HD [sulfur mustard], HN-1, HN-2, HN-3 [nitrogen mustard]), arsenicals, such as Lewisite (L), urticants, such as CX; and incapacitating agents, such as BZ.

(3) "Weaponized biological or biologic warfare agents" include weaponized pathogens, such as bacteria, viruses, rickettsia, yeasts, fungi, or genetically engineered pathogens, toxins, vectors, and endogenous biological regulators (EBRs).

(4) "Nuclear or radiological agents" includes any improvised nuclear device (IND) which is any explosive device designed to cause a nuclear yield; any radiological dispersal device (RDD) which is any explosive device utilized to spread radioactive material; or a simple radiological dispersal device (SRDD) which is any act or container designed to release radiological material as a weapon without an explosion.

(5) "Vector" means a living organism or a molecule, including a recombinant molecule, or a biological product that may be engineered as a result of biotechnology, that is capable of carrying a biological agent or toxin to a host.

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(6) "Weaponization" is the deliberate processing, preparation, packaging, or synthesis of any substance for use as a weapon or munition. "Weaponized agents" are those agents or substances prepared for dissemination through any explosive, thermal, pneumatic, or mechanical means.

(7) For purposes of this section, "used as a destructive weapon" means to use with the intent of causing widespread great bodily injury or death by causing a fire or explosion or the release of a chemical, biological, or radioactive agent.

(b) The intentional release of a dangerous chemical or hazardous material generally utilized in an industrial or commercial process shall be considered use of a weapon of mass destruction when a person knowingly utilizes those agents with the intent to cause harm and the use places persons or animals at risk of serious injury, illness, or death, or endangers the environment.

(c) The lawful use of chemicals for legitimate mineral extraction, industrial, agricultural, or commercial purposes is not proscribed by this article.

(d) No university, research institution, private company, individual, or hospital engaged in scientific or public health research and, as required, registered with the Centers for Disease Control and Prevention (CDC) pursuant to Part 113 (commencing with Section 113.1) of Subchapter E of Chapter 1 of Title 9 or pursuant to Part 72 (commencing with Section 72.1) of Subchapter E of Chapter 1 of Title 42 of the Code of Federal Regulations, or any successor provisions, shall be subject to this article.

Pen. Code, § 11417

^{xvi} Labor Code § 3212.15

^{xvii} The DSM V-TR is the most recent edition as of the effective date of this OCERS Administrative Procedure (OAP) Disability Presumptions.

^{xviii} The presumption for PTSD under Government Code § 31720.91 was originally set to expire on January 1, 2025. However, the law was amended in 2024 through legislation (AB 2770), and it is now set to expire on January 1, 2029.

^{xix} Labor Code § 3212.6.

^{xx} Labor Code § 3212.9.

^{xxi} Labor Code § 3213.2.

^{xxii} Labor Code § 3213.2.

^{xxiii} "Active law enforcement" includes positions with principal duties which pertain to the active investigation and suppression of crime, the arrest and detention of criminals, and the administrative control of such duties in the offices of the sheriff and district attorney, including Sheriff's Special Officers (SSOs).