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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.95] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7. California Emergency Services Act [8550 - 8669.87] (Chapter 7 added by Stats. 1970, Ch. 1454.)

ARTICLE 21. California Firefighter Peer Support and Crisis Referral Services Act [8669.05 - 8669.30] (Article 21 added by Stats. 2019, Ch. 388, Sec. 2.)

8669.05. This article shall be known, and may be cited, as the California Firefighter Peer Support and Crisis Referral Services Act.
(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)

8669.10. (a) The state or any local or regional public fire agency may establish a Peer Support and Crisis Referral Program. The program shall be responsible for providing an agencywide network of peer representatives, reflective of the agency's workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues.

(b) The Peer Support and Crisis Referral Program may provide employee support and referral services for matters such as, but not limited to, any of the following:

- (1) Substance use and substance abuse.
- (2) Critical incident stress.
- (3) Family issues.
- (4) Grief support.
- (5) Legal issues.
- (6) Line of duty deaths.
- (7) Serious injury or illness.
- (8) Suicide.
- (9) Victims of crime.
- (10) Workplace issues.

(c) A public fire agency may augment its Peer Support and Crisis Referral Program with program policies that are consistent with this act.

(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)

8669.15. For purposes of this article, the following terms have the following meanings:

(a) "Confidential communication" means any information, including, but not limited to, written or oral communication, transmitted between an emergency service personnel, a peer support team member, or a crisis hotline or crisis referral service staff member while the peer support team member provides peer support services or the crisis hotline or crisis referral service staff member provides crisis services, and in confidence by a means that, as far as the emergency service personnel is aware, does not disclose

the information to third persons other than those who are present to further the interests of the emergency service personnel or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the peer support team member is providing services.

(b) "Crisis referral services" include all public or private organizations that provide consultation and treatment resources for personal problems, including mental health issues, chemical dependency, domestic violence, gambling, financial problems, and other personal crises. Neither crisis referral services nor crisis hotlines include services provided by an employee association, labor relations representative or labor relations organization, or any entity owned or operated by an employee association, labor relations representative, or labor relations organization.

(c) "Critical incident" means an event or situation that involves crisis, disaster, trauma, or emergency.

(d) "Critical incident stress" means the acute or cumulative psychological stress or trauma that emergency service personnel may experience in providing emergency services in response to a critical incident. The stress or trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning and could lead to post-traumatic stress and other injuries, including, but not limited to, the following:

- (1) Physical and emotional illness.
- (2) Failure of usual coping mechanisms.
- (3) Loss of interest in the job or normal life activities.
- (4) Personality changes.
- (5) Loss of ability to function.
- (6) Psychological disruption of personal life, including the person's relationship with a spouse, child, or friend.

(e) "Emergency service personnel" means an employee of the state, local, or regional public fire agency who provides emergency response services, including a firefighter, paramedic, emergency medical technician, dispatcher, emergency response communication employee, rescue service personnel, emergency manager, or any other employee of a state, local, or regional public fire agency.

(f) "Peer support services" means authorized peer support services provided by a peer support team member to emergency service personnel and their immediate families affected by a critical incident or the cumulative effect of witnessing multiple critical incidents. Peer support services assist those affected by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress, including reducing the risk of post-traumatic stress and other injuries. Peer support services may include any of the following:

- (1) Precrisis education.
- (2) Critical incident stress defusings.
- (3) Critical incident stress debriefings.
- (4) On-scene support services.
- (5) One-on-one support services.
- (6) Consultation.
- (7) Referral services.
- (8) Confidentiality obligations.
- (9) The impact of toxic stress on health and well-being.
- (10) Grief support.
- (11) Substance abuse awareness and approaches.
- (12) Active listening skills.

(g) "Peer support program" means a program administered by the state, local, or regional public fire agency to deliver peer support services to emergency service personnel consistent with this article and implemented through a labor management agreement negotiated separate and apart from any collective bargaining agreement covering affected employees.

(h) "Peer support team" means a team or teams composed of emergency service personnel, hospital staff, clergy, and educators who have completed a peer support training course developed pursuant to Section 8669.30, and who have been appointed to the

team pursuant to program policy.

(i) "Peer support team member" means a public fire agency employee who has completed an approved peer support training course or courses pursuant to Section 8669.30. Agency selection criteria for peer support team members shall be incorporated into program policies.

(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)

8669.17. (a) A peer support program for local or regional public fire agencies shall be implemented through a labor management agreement negotiated separate and apart from any collective bargaining agreement covering affected employees.

(b) Department of Forestry and Fire Protection peer support program policies that were in effect on July 1, 2019, shall continue as they existed on that date, and any prospective changes to the program policies as they were in effect on that date shall be subject to a meet and confer process regarding those prospective changes with the employee organization representing a majority of the personnel employed by the agency.

(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)

8669.20. (a) In any civil, administrative, or arbitration proceeding, an emergency service personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the emergency service personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service.

(b) Notwithstanding subdivision (a), a confidential communication described in subdivision (a) may be disclosed only under the following circumstances:

(1) The peer support team member reasonably must make an appropriate referral of the emergency service personnel to, or consult about the emergency service personnel with, another member of the peer support team or a peer support team clinician associated with the peer support team.

(2) The peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.

(3) The peer support team member reasonably believes that disclosure is necessary pursuant to an obligation to report instances of child abuse, as required by Section 11166 of the Penal Code, or other obligation to disclose or report as a mandated reporter.

(4) The disclosure is made pursuant to a court order in a civil proceeding.

(5) The emergency service personnel expressly agrees in writing that the confidential communication may be disclosed.

(c) If the communication is disclosed pursuant to paragraph (1), (2), (3), or (4) of subdivision (b), a peer support team member shall notify the emergency service personnel of the disclosure in writing.

(d) The provisions of this section shall apply to the Department of Forestry and Fire Protection peer support program in effect as of July 1, 2019.

(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)

8669.25. (a) Except as otherwise provided in subdivision (b), an emergency service personnel who provides peer support services as a member of a peer support team and has completed a training course described in Section 8669.30 and the state, local, or regional public fire agency that employs them, shall not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.

(b) Subdivision (a) does not apply to an action for medical malpractice.

(c) A person described in subdivision (a) shall not provide peer support services if, when serving in a peer support role, the individual's relationship with a peer support recipient could reasonably be expected to impair objectivity, competence, or effectiveness in providing peer support, or otherwise risk exploitation or harm to a peer support recipient.

(d) Whenever possible, a person described in subdivision (a) providing peer support services should not provide those services to a peer support recipient if the provider and recipient were both involved in the same specific traumatic incident, unless the incident is a large-scale incident.

(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)

8669.30. (a) In order to be eligible for the confidentiality protections afforded by this article, each peer support team member shall complete an approved training course or courses on peer support that may include, but are not limited to, the peer support services described in subdivision (f) of Section 8669.15.

(b) For local or regional public fire agencies, the training shall be approved by the California Firefighter Joint Apprenticeship Committee.

(c) (1) Training provided by the Department of Forestry and Fire Protection, through the Fire Service Training and Education Program, and utilized and approved by the department shall satisfy the requirements described in subdivision (a).

(2) The department may make any training courses described in paragraph (1) available upon request to any local or regional public fire agency.

(Added by Stats. 2019, Ch. 388, Sec. 2. (AB 1116) Effective January 1, 2020.)