

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1586

By: Representative Payton

## For An Act To Be Entitled

AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE WORKERS' COMPENSATION LAW ENACTED BY INITIATED ACT NO. 4 OF 1948; CONCERNING DEATH AND PERMANENT TOTAL DISABILITY CLAIMS UNDER THE WORKERS' COMPENSATION LAW; TO PROVIDE COVERAGE UNDER THE WORKERS' COMPENSATION LAW FOR THE TREATMENT OF RABIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW ENACTED BY INITIATED ACT NO. 4 OF 1948; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-9-501(b), concerning limitations on compensation for an employee's disability or death, is amended to add an additional subdivision to read as follows:

(6) For injuries occurring on or after July 1, 2017, in cases of total disability adjudged to be permanent, sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage, subject to the maximum limitations as to weekly benefits as set up in this chapter, shall be paid to the employee not to exceed four hundred fifty (450) weeks.

SECTION 2. Arkansas Code § 11-9-501(e), concerning compensation payable to dependents of a deceased employee, is amended to read as follows:



(e) Compensation payable to the dependents of a deceased employee, with the exception of those dependents described in § 11-9-527(d)(2), shall be in addition to the funeral allowance and those benefits ~~which that~~ were paid or to which the injured employee was entitled in his or her lifetime under §§ 11-9-508 – 11-9-517 and §§ 11-9-519 – 11-9-526, and shall not exceed four hundred fifty (450) weeks.

SECTION 3. Arkansas Code § 11-9-502(a), concerning exceptions on limitations on compensation for an employee's disability or death, is amended to read as follows:

(a) The benefits shall be paid for a period not to exceed four hundred fifty (450) weeks of disability, ~~except that this limitation shall not apply in cases of permanent total disability or death.~~

SECTION 4. Arkansas Code § 11-9-502(b)(3) and (4), concerning the Death and Permanent Total Disability Trust Fund, is amended to read as follows:

(3) For injuries occurring on or after July 1, 2017, weekly benefits for permanent total disability or death shall not exceed four hundred fifty (450) weeks, except as provided in § 11-9-501(e).

(4) The trust fund shall consist of such funds as may be prescribed by law and shall be administered, invested, and disbursed by the Workers' Compensation Commission.

~~(4)~~(5) Each employer or the insurance carrier of the employer in each case of death of an employee where there are no dependents shall pay into the trust fund the sum of five hundred dollars (\$500).

SECTION 5. Arkansas Code § 11-9-508(a), concerning the liability of an employer for medical services and supplies under the Workers' Compensation Law, is amended to read as follows:

(a)(1) The employer shall promptly provide for an injured employee such medical, surgical, hospital, chiropractic, optometric, podiatric, and nursing services and medicine, crutches, ambulatory devices, artificial limbs, eyeglasses, contact lenses, hearing aids, and other apparatus as may be reasonably necessary in connection with the injury received by the

employee.

(2)(A) Rabies is a highly contagious and potentially deadly infectious disease, and exposure to rabies and the risk of infection under this section is the direct result of an injury caused by the bite of a rabies-infected animal or the exposure to saliva of a rabies-infected animal directly in the employee's eyes, mouth, nose, or open wound.

(B)(i) An employer shall promptly provide reasonably necessary medical treatment to an injured employee who is exposed to rabies as described in subdivision (a)(2)(A) of this section.

(ii) As used in subdivision (a)(2)(B)(i) of this section, "reasonably necessary medical treatment" means without limitation any diagnostic and preventive measures prescribed for detection, diagnosis, and prevention of rabies.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the provisions of this act impact the responsibilities of employers and the rights of employees in this state by amending certain provisions of the Workers' Compensation Law, including laws impacting compensation to injured employees and the treatment required by employers to injured employees under the Workers' Compensation Law; that to ensure fair and reasonable compensation to employees injured at work and the necessary treatment for injured employees exposed to rabies; and that this act is immediately necessary to protect the rights of employers and injured employees in this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.