

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/13/03

A Bill

Act 1237 of 2003
HOUSE BILL 1965

5 By: Representative Haak
6 By: Senator Horn
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 11-9-102; TO
11 INCLUDE AN ADVERSE REACTION TO SMALLPOX VACCINE
12 IN THE DEFINITION OF COMPENSABLE INJURY; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO INCLUDE AN ADVERSE REACTION TO
16 SMALLPOX VACCINE IN THE DEFINITION OF
17 COMPENSABLE INJURY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 11-9-102(4)(A), defining terms for the
24 Workers' Compensation Law, is amended to read as follows:

25 (4)(A) "Compensable injury" means:

26 (i) An accidental injury causing internal or external
27 physical harm to the body or accidental injury to prosthetic appliances,
28 including eyeglasses, contact lenses, or hearing aids, arising out of and in
29 the course of employment and which requires medical services or results in
30 disability or death. An injury is "accidental" only if it is caused by a
31 specific incident and is identifiable by time and place of occurrence;

32 (ii) An injury causing internal or external physical harm
33 to the body and arising out of and in the course of employment if it is not
34 caused by a specific incident or is not identifiable by time and place of
35 occurrence, if the injury is:

36 (a) Caused by rapid repetitive motion. Carpal



1 tunnel syndrome is specifically categorized as a compensable injury falling
2 within this definition;

3 (b) A back injury which is not caused by a specific
4 incident or which is not identifiable by time and place of occurrence; or

5 (c) Hearing loss which is not caused by a specific
6 incident or which is not identifiable by time and place of occurrence;

7 (iii) Mental illness as set out in § 11-9-113;

8 (iv) Heart or cardiovascular injury, accident, or disease
9 as set out in § 11-9-114; ~~or~~

10 (v) A hernia as set out in § 11-9-523~~r~~; or

11 (vi) An adverse reaction experienced by any employee of
12 the Department of Health or any employee of a hospital licensed by the
13 Department of Health related to vaccination with Vaccinia vaccines, for
14 smallpox, including the Dryvax vaccine, regardless of whether the adverse
15 reaction is the result of voluntary action by the injured employee.

16
17 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the Department of Health , in
19 response to the federal Homeland Security Act of 2002, will begin voluntary
20 smallpox vaccinations of health care workers and public safety personnel on
21 February 19, 2003, and participation in the voluntary program will be
22 enhanced by clarification that an adverse reaction to vaccine will be
23 compensable under the Workers' Compensation Law. Therefore, an emergency is
24 declared to exist and this act being immediately necessary for the
25 preservation of the public peace, health, and safety shall become effective
26 on:

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

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

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

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34 /s/ Haak

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36 APPROVED: 4/10/2003