

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

A Bill

HOUSE BILL 1965

4
5 By: Representative Haak
6 By: Senator Horn

For An Act To Be Entitled

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9
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.

Subtitle

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16 AN ACT TO INCLUDE AN ADVERSE REACTION TO
17 SMALLPOX VACCINE IN THE DEFINITION OF
18 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 related to vaccination with
12 Vaccinia vaccines, for smallpox, including the Dryvax vaccine, regardless of
13 whether the adverse reaction is the result of voluntary action by the injured
14 employee.

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

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

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

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