

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Senator Madison

# A Bill

SENATE BILL 727

## For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE COMPENSABILITY OF MENTAL  
9 INJURY OR ILLNESS FOR EMERGENCY RESPONDERS; TO AMEND  
10 A PORTION OF THE ARKANSAS CODE WHICH RESULTED FROM  
11 INITIATED ACT 4 OF 1948; AND FOR OTHER PURPOSES.

## Subtitle

14 TO PROVIDE FOR THE COMPENSABILITY OF  
15 MENTAL INJURY OR ILLNESS FOR EMERGENCY  
16 RESPONDERS AND TO AMEND A PORTION OF THE  
17 ARKANSAS CODE WHICH RESULTED FROM  
18 INITIATED ACT 4 OF 1948.

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

23 SECTION 1. Arkansas Code § 11-9-113 is amended to read as follows:  
24 11-9-113. Mental injury or illness.

25 (a)(1) As used in this section, "emergency responder" means a  
26 compensated person or volunteer who:

27 (A) Responds to the scene of a disaster or an emergency;

28 and

29 (B) Is acting in an assigned role in public safety and  
30 emergency services.

31 (2) "Emergency responder" may include without limitation:

32 (A) Law enforcement officers;

33 (B) Firefighters;

34 (C) Emergency management personnel;

35 (D) Emergency medical personnel; and

36 (E) Emergency service personnel.



1 (b)(1) A mental injury or illness is not a compensable injury unless  
2 it is caused by physical injury to the employee's body, and shall not be  
3 considered an injury arising out of and in the course of employment or  
4 compensable unless it is demonstrated by a preponderance of the evidence;  
5 provided, however, that this physical injury limitation shall not apply to  
6 any victim of a crime of violence or to an emergency responder.

7 (2) No mental injury or illness under this section shall be  
8 compensable unless it is ~~also~~ diagnosed by a licensed psychiatrist or  
9 psychologist and unless the diagnosis of the condition meets the criteria  
10 established in the most current issue of the Diagnostic and Statistical  
11 Manual of Mental Disorders.

12 ~~(b)(1)(c)(1)~~ Notwithstanding any other provision of this chapter,  
13 ~~where a claim is by reason of~~ for mental injury or illness, ~~the employee~~  
14 ~~shall be~~ is limited to ~~twenty-six (26)~~ fifty-two (52) weeks of disability  
15 benefits.

16 (2)(A) ~~In case~~ If death results directly from the mental injury  
17 or illness within a period of one (1) year from the time compensation was  
18 last paid or two (2) years from the date of injury, whichever is longer,  
19 compensation shall be paid to the dependents as provided in other death cases  
20 under this chapter.

21 (B) Unless the decedent is an emergency responder, Death  
22 death directly or indirectly related to the mental injury or illness  
23 occurring one (1) year or more from the incident resulting in the mental  
24 injury or illness shall not be a compensable injury.

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