

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Willems**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-114-203 PERTAINING TO
9 STATUTE OF LIMITATIONS FOR MEDICAL MALPRACTICE INVOLVING A
10 MINOR; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code 16-114-203 is hereby amended to read as
15 follows:

16 "16-114-203. Statute of limitations. All actions for medical injury
17 shall be commenced within two (2) years after the cause of action accrues.
18 The date of the accrual of the cause of action shall be the date of the
19 wrongful act complained of, and no other time. However,
20 except that where the action is based upon the discovery of a foreign object
21 in the body of the injured person which is not discovered and could not
22 reasonably have been discovered within such two (2) year period, the action
23 may be commenced within one (1) year from the date of
24 discovery or the date the foreign object reasonably should have been
25 discovered, whichever is earlier. Provided that a minor who is under the age
26 of nine (9) years at the time of the act, omission, or failure complained of
27 shall have two (2) years from the date of such action, omission or failure
28 complained of or until the minor's eleventh (11th) birthday, whichever is
29 longer. Any person who had been adjudicated incompetent at the time of the
30 act, omission, or failure complained of, shall have until one (1) year after
31 that disability is removed in which to commence an action."

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33 SECTION 2. All provisions of this Act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.