

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.

State of Arkansas
83rd General Assembly
Regular Session, 2001

As Engrossed: S2/20/01

A Bill

SENATE BILL 487

By: Senators DeLay, Everett
By: Representatives Ledbetter, *Rodgers*

For An Act To Be Entitled

AN ACT TO AMEND THE BURDEN OF PROOF IN ESTABLISHING AN
OCCUPATIONAL DISEASE UNDER THE WORKERS' COMPENSATION
LAWS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE BURDEN OF PROOF IN
ESTABLISHING AN OCCUPATIONAL DISEASE
UNDER THE WORKERS' COMPENSATION LAWS.

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

SECTION 1. Arkansas Code 11-9-601(e), concerning compensation for
occupational diseases, is amended to read as follows:

(e)(1)(A) "Occupational disease", as used in this chapter, unless the
context otherwise requires, means any disease that results in disability or
death and arises out of and in the course of the occupation or employment of
the employee, or naturally follows or unavoidably results from an injury as
that term is defined in this chapter.

(B) ~~However, a~~ A causal connection between the occupation
or employment and the occupational disease must be established by ~~clear and~~
~~convincing a preponderance of the~~ evidence.

(2) No compensation shall be payable for any contagious or
infectious disease unless contracted in the course of employment in, or
immediate connection with, a hospital or sanatorium in which persons suffering
from that disease are cared for or treated.

(3) No compensation shall be payable for any ordinary disease of

life to which the general public is exposed.

/s/ DeLay