

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1586

5 By: Representative Payton  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE WORKERS'  
9 COMPENSATION LAW ENACTED BY INITIATED ACT NO. 4 OF  
10 1948; CONCERNING DEATH AND PERMANENT TOTAL DISABILITY  
11 CLAIMS UNDER THE WORKERS' COMPENSATION LAW; TO  
12 PROVIDE COVERAGE UNDER THE WORKERS' COMPENSATION LAW  
13 FOR THE TREATMENT OF RABIES; TO DECLARE AN EMERGENCY;  
14 AND FOR OTHER PURPOSES.  
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## Subtitle

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18 TO AMEND CERTAIN PROVISIONS OF THE  
19 WORKERS' COMPENSATION LAW ENACTED BY  
20 INITIATED ACT NO. 4 OF 1948; AND TO  
21 DECLARE AN EMERGENCY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 11-9-501(b), concerning limitations on  
27 compensation for an employee's disability or death, is amended to add an  
28 additional subdivision to read as follows:

29 (6) For injuries occurring on or after July 1, 2017, in cases of  
30 total disability adjudged to be permanent, sixty-six and two-thirds percent  
31 (66 2/3%) of the employee's average weekly wage, subject to the maximum  
32 limitations as to weekly benefits as set up in this chapter, shall be paid to  
33 the employee not to exceed four hundred fifty (450) weeks.  
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35 SECTION 2. Arkansas Code § 11-9-501(e), concerning compensation  
36 payable to dependents of a deceased employee, is amended to read as follows:



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2 (e) Compensation payable to the dependents of a deceased employee,  
3 with the exception of those dependents described in § 11-9-527(d)(2), shall  
4 be in addition to the funeral allowance and those benefits ~~which that~~ were  
5 paid or to which the injured employee was entitled in his or her lifetime  
6 under §§ 11-9-508 – 11-9-517 and §§ 11-9-519 – 11-9-526, and shall not exceed  
7 four hundred fifty (450) weeks.

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9 SECTION 3. Arkansas Code § 11-9-502(a), concerning exceptions on  
10 limitations on compensation for an employee's disability or death, is amended  
11 to read as follows:

12 (a) The benefits shall be paid for a period not to exceed four hundred  
13 fifty (450) weeks of disability, ~~except that this limitation shall not apply~~  
14 ~~in cases of permanent total disability or death~~.

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16 SECTION 4. Arkansas Code § 11-9-502(b)(3) and (4), concerning the  
17 Death and Permanent Total Disability Trust Fund, is amended to read as  
18 follows:

19 (3) For injuries occurring on or after July 1, 2017, weekly  
20 benefits for permanent total disability or death shall not exceed four  
21 hundred fifty (450) weeks, except as provided in § 11-9-501(e).

22 (4) The trust fund shall consist of such funds as may be  
23 prescribed by law and shall be administered, invested, and disbursed by the  
24 Workers' Compensation Commission.

25 ~~(4)(5)~~ Each employer or the insurance carrier of the employer in  
26 each case of death of an employee where there are no dependents shall pay  
27 into the trust fund the sum of five hundred dollars (\$500).

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29 SECTION 5. Arkansas Code § 11-9-508(a), concerning the liability of an  
30 employer for medical services and supplies under the Workers' Compensation  
31 Law, is amended to read as follows:

32 (a)(1) The employer shall promptly provide for an injured employee  
33 such medical, surgical, hospital, chiropractic, optometric, podiatric, and  
34 nursing services and medicine, crutches, ambulatory devices, artificial  
35 limbs, eyeglasses, contact lenses, hearing aids, and other apparatus as may  
36 be reasonably necessary in connection with the injury received by the

1 employee.

2 (2)(A) Rabies is a highly contagious and potentially deadly  
3 infectious disease, and exposure to rabies and the risk of infection under  
4 this section is the direct result of an injury caused by the bite of a  
5 rabies-infected animal or the exposure to saliva of a rabies-infected animal  
6 directly in the employee's eyes, mouth, nose, or open wound.

7 (B)(i) An employer shall promptly provide reasonably  
8 necessary medical treatment to an injured employee who is exposed to rabies  
9 as described in subdivision (a)(2)(A) of this section.

10 (ii) As used in subdivision (a)(2)(B)(i) of this  
11 section, "reasonably necessary medical treatment" means without limitation  
12 any diagnostic and preventive measures prescribed for detection, diagnosis,  
13 and prevention of rabies.

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15 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly of the State of Arkansas that the provisions of this act  
17 impact the responsibilities of employers and the rights of employees in this  
18 state by amending certain provisions of the Workers' Compensation Law,  
19 including laws impacting compensation to injured employees and the treatment  
20 required by employers to injured employees under the Workers' Compensation  
21 Law; that to ensure fair and reasonable compensation to employees injured at  
22 work and the necessary treatment for injured employees exposed to rabies; and  
23 that this act is immediately necessary to protect the rights of employers and  
24 injured employees in this state. Therefore, an emergency is declared to  
25 exist, and this act being immediately necessary for the preservation of the  
26 public peace, health, and safety shall become effective 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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