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93rd General Assembly Thursday, Feb. 25, 2021 – Session Day 45

TODAY AT THE CAPITOL

The House and Senate convened at 1 p.m. today.

To view the full schedule of committee meetings, floor calendars, their agendas and video access, click [here](#).

STATE CHAMBER/AIA PRIORITY BILLS

Three important bills from our Priority Legislative agenda are coming up in the House Public Health, Welfare and Labor Committee today. These bills are:

HB 1488 by Rep. Justin Gonzales and Sen. Ben Gilmore is designed to allow an employee to make a claim under workers' compensation for COVID-19 if the employee proves it is a workplace exposure. On the other hand, it provides protection for employers against workers' compensation claims becoming tort claims simply because the employer knows exposure to COVID-19 is possible, likely, or certain.

Workers' Compensation is the exclusive remedy for workers injured on the job in Arkansas, which means that they cannot sue their employers in court for on-the-job injuries. The Arkansas Supreme Court has ruled that intentional acts by the employer are exempt from the exclusive remedy doctrine, allowing employees to sue employers in court for intentional acts.

HB 1488 will do two things: 1) Clarify that employees can make a workers' compensation claim for COVID-19 illness if the employee proves that it was a workplace exposure that led to the illness. Current law is unclear as to whether COVID-19 can be a recoverable injury, and 2) Clarify that requiring an employee to perform employment services when the employer has knowledge that exposure to COVID-19 is possible, likely, or certain is not intentional conduct that removes an employer from the protections of the exclusive remedy doctrine of workers' compensation.

HB 1488 will expire on May 1, 2023. That will require the General Assembly to revisit this law in the next regular session, evaluate the status of COVID-19 and decide whether to renew it, let it expire or modify and extend it.

HB 1487 by Rep. Justin Gonzales and Sen. Ben Gilmore will provide some level of protection against COVID-19 personal injury claims against businesses for any claims for damages, injuries, or death caused by or resulting from exposure to COVID-19 as follows.

A business or its agent are immune from civil liability for damages or injuries caused by or resulting from exposure of an individual to COVID-19 on the business premises owned or operated by the person or during an activity managed by the person. The immunity from civil liability will not apply to willful, reckless, or intentional misconduct resulting in injury or damages to another person.

It is presumed that a business or its agent is not committing willful, reckless, or intentional misconduct if the business or its agent are substantially complying with health and safety directives or guidelines issued by the Governor, the Secretary of the Department of Health, the Centers for Disease Control and Prevention, and the Centers for Medicare & Medicaid Services concerning COVID-19; or are acting in good faith while attempting to comply with health and safety directives or guidelines issued by the Governor of the Secretary concerning COVID-19.

HB 1521 by Rep. Austin McCollum and Sen. Ben Gilmore will provide some level of protection against COVID-19 personal injury claims against healthcare workers for any damages, injuries, or deaths caused by or resulting from COVID-19 as follows:

A healthcare worker is protected if the alleged act or omission occurs as a result of a good faith effort of the healthcare provider to provide a healthcare service for the diagnosis, treatment, cure, mitigation, or prevention of COVID-19, and the injury was the direct result of the healthcare provider's providing a healthcare service to a patient for the treatment and mitigation of COVID-19 or its symptoms. The protection will not apply to an act or omission that is willful, reckless, or intentional misconduct.

HB 1487 and **HB 1521** will expire on May 1, 2023. That will require the General Assembly to revisit this law in the next regular session, evaluate the status of COVID-19 and decide whether to renew it, let it expire or modify and extend it.

Other states have taken steps to provide some protections through both Executive Orders and legislation. Twenty-four states have issued executive orders, including Arkansas. Twenty-three states have adopted legislation providing liability protections to business and/or healthcare. Many others are currently in session and are likely to adopt similar legislation. This includes Florida, Missouri and Alabama.

The State Chamber/AIA supports HB 1488, HB 1487, and HB 1521.

TODAY'S BILLS

MEDICAL ETHICS^

SB 289 by Sen. Kim Hammer and Rep. Brandt Smith seeks to ensure a right of conscience for all healthcare institutions, healthcare payers and medical practitioners, prohibiting discrimination based on medical decisions made due to religious, moral, ethical or philosophical principles with limited exceptions.

This bill is on the Senate Public Health, Welfare and Labor Committee this morning.

The State Chamber/AIA opposes this bill.

FOIA EXPANSIONS

SB 195 by Sen. Dan Sullivan and Rep. Richard Womack seeks to extend the entities subject to Freedom of Information Act provisions to include those whose primary purpose is providing direct support to a governmental agency or public entity financially or with labor if support provided has a determined value.

SB 208 by Sen. Dan Sullivan and Rep. Mary Bentley seeks to redefine a 'meeting' for the purposes of the Freedom of Information Act. It includes private entities that are supported wholly or in part by public funds, engaged in activities that would normally be provided by governmental entities or be provided by governmental entities in the absence of the private entity.

Both bills are on the Agenda in the Senate State Agencies committee this morning.

The State Chamber/AIA opposes these bills.

***PPP INCOME TAX EXEMPTION^**

HB 1361 by Rep. Les Eaves and Sen. Jonathan Dismang

Is on this afternoon's Senate Calendar.

The State Chamber Supports

***UNEMPLOYMENT INSURANCE EXPERIENCE FORGIVENESS^**

HB 1212 by Rep. Jack Ladyman and Sen. Missy Irvin
Is on this afternoon's House calendar.
The State Chamber Supports

* *State Chamber/AIA Priority Agenda Bill*
^*See Status Report link below for bill summaries.*

YESTERDAY AT THE CAPITOL

BUSINESS TAXPAYER REPORTING

SB 293 by Sen. Bill Sample was not considered yesterday by the Senate Revenue and Taxation Committee. Meetings involving critical parties were held and an amendment is being put together.

STATUS REPORT:

STATE CHAMBER/AIA PRIORITY AGENDA BILLS | SUPPORTED BILLS | OPPOSED BILLS

To view a list, summary and status of all bills that are part of our Priority Agenda, bills we support and bills we oppose, click [here](#).

STATE CHAMBER/AIA BILL TRACKING

Total Bills Filed: 958 | New Bills Filed: Senate 13 | House 15
Bills and resolutions added to State Chamber/AIA Tracking: 10 | Total Tracked: 353

To review the list of new bills added to our tracking, click [here](#).

To see all tracked bills saved by category, click [here](#).

LEGISLATIVE SESSION INFORMATION

To view schedules, calendars, bill information and legislator information, click [here](#).

To view the statement regarding Capitol access and committee attendance, click [here](#).

Legislative Message Center

House of Representatives: 501-682-6211
Senate: 501-682-2902

STATE CHAMBER/AIA INFORMATION

2021 LEGISLATIVE AGENDA

To view the State Chamber/AIA's legislative agenda, click [here](#).

BILL SCORING

Floor votes on bills that address issues in our Legislative Agenda and/or are discussed in a Daily Legislative Update are subject to being scored.

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