

First. That there was an accidental injury causing hernia, arising out of and in the course of the employee's employment; or that the claimant sustained a hernia resulting from a strain arising out of and in the course of his or her employment.

Second. That the hernia did not exist prior to the injury or strain for which compensation is claimed; provided that if as the result of an accidental injury, or as the result of a strain, arising out of and in the course of the employee's employment a pre-existing hernia becomes so strangulated that an immediate operation is necessary, the provision of this subparagraph requiring proof that hernia did not exist prior to the injury for which compensation is claimed shall not apply.

Third. That, anything in this Article respecting notice to the contrary notwithstanding, such injury or strain was reported to the employer within ten days next following its occurrence.

All hernia, inguinal, femoral or otherwise, so proven to be the result of such injury or strain, shall be treated in a surgical manner by operation whenever practicable. If death results from such operation, the death shall be considered as a result of the injury, or strain, and compensation paid in accordance with the provisions of this section. In non-fatal cases, time loss only shall be compensated, provided, however, that such compensation shall not be for a period of time longer than eight (8) weeks, unless it is shown by special examination that the injured employee has a permanent partial or permanent total or temporary total disability resulting from the operation. If so, compensation shall be paid in accordance with the provisions of this Article, with reference to permanent partial disability or permanent total or temporary total disability as the case may be.

In case the injured employee refuses to undergo an operation for the cure of the said hernia, he shall be allowed compensation for a period of seven and one-half (7½) weeks, and if it be shown to the satisfaction of the Commission that because of age or previous physical condition, it is considered unsafe for the employee to undergo such operation, such refusal may be excused by the Commission, in which event the employee shall be allowed compensation for the period of actual disability resulting from such hernia, not to exceed fifty-two (52) weeks, and in either event such payments shall be in lieu of all benefits for or on account of disability or death resulting or alleged to have resulted from such injury.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1945.

Approved March 24, 1945.