

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

*As Engrossed: H3/20/19*

# A Bill

SENATE BILL 446

5 By: Senators G. Leding, B. Davis  
6 By: Representatives Vaught, Murdock, L. Johnson, Maddox  
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## For An Act To Be Entitled

9 AN ACT CONCERNING STEP THERAPY REQUIREMENTS FOR  
10 CERTAIN PRESCRIPTION DRUGS TO TREAT METASTATIC  
11 CANCER; AND FOR OTHER PURPOSES.  
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### Subtitle

15 CONCERNING STEP THERAPY REQUIREMENTS FOR  
16 CERTAIN PRESCRIPTION DRUGS TO TREAT  
17 METASTATIC CANCER.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 23-79-147(a), concerning definitions to be  
23 used for prescription medication benefits, is amended to add an additional  
24 subdivision to read as follows:

25 (4) "Metastatic cancer" means cancer that has spread from a  
26 primary or original site of the cancer to surrounding or nearby tissues,  
27 lymph nodes, or other parts of the body.  
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29 SECTION 2. Arkansas Code § 23-79-147(d), concerning the applicability  
30 of the section for prescription medication, is amended to read as follows:

31 (d) ~~Subsection~~ Except as provided in subsection (e) of this section,  
32 subsection (b) of this section shall not be construed to do any of the  
33 following:

34 (1) Require coverage for any drug if the United States Food and  
35 Drug Administration has determined its use to be contraindicated for the  
36 treatment of the specific type of cancer for which the drug has been



1 prescribed;

2 (2) Alter any law with regard to provisions limiting the  
3 coverage of drugs that have not been approved by the United States Food and  
4 Drug Administration; or

5 (3) Create, impair, alter, limit, modify, enlarge, abrogate, or  
6 prohibit reimbursement for drugs used in the treatment of any other disease  
7 or condition.

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9 SECTION 3. Arkansas Code § 23-79-147, concerning prescription  
10 medication under an insurance policy, is amended to add an additional  
11 subsection to read as follows:

12 (e) An insurance policy that provides coverage for the treatment of  
13 metastatic cancer shall not limit or exclude coverage under the health  
14 benefit plan for a drug approved by the United States Food and Drug  
15 Administration that is on the prescription drug formulary of the insurance  
16 policy by mandating that a covered person with metastatic cancer undergo step  
17 therapy unless the preferred drug is consistent with best practices that:

18 (1) Use for the treatment of metastatic cancer or associated  
19 conditions under:

20 (A) The United States Food and Drug Administration-  
21 approved indication; or

22 (B) The National Comprehensive Cancer Network Drugs and  
23 Biologics Compendium indication; or

24 (2) Evidence-based, peer-reviewed, recognized medical  
25 literature.

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27 SECTION 4. Arkansas Code § 23-99-1114(c), concerning limitations on  
28 step therapy under the Prior Authorization Transparency Act, is amended to  
29 read as follows:

30 ~~Notwithstanding~~ Except as provided in subsection (d) of this  
31 section, notwithstanding subsection (a) of this section, a utilization review  
32 entity may require the utilization of step therapy if:

33 (1) A new drug has been introduced to treat the patient's  
34 condition or an existing therapy is considered clinically appropriate for  
35 treatment of the patient's condition; or

36 (2) The patient's medical or physical condition has changed

1 substantially since the step therapy was required that makes the use of  
2 repeat step therapy appropriate.

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4 SECTION 5. Arkansas Code § 23-99-1114, concerning limitations on step  
5 therapy under the Prior Authorization Transparency Act, is amended to add an  
6 additional subsection to read as follows:

7 (d)(1) An insurance policy that provides coverage for the treatment of  
8 metastatic cancer shall not limit or exclude coverage under the health  
9 benefit plan for a drug approved by the United States Food and Drug  
10 Administration that is on the prescription drug formulary of the insurance  
11 policy by mandating that a covered person with metastatic cancer undergo step  
12 therapy unless the preferred drug is consistent with best practices that:

13 (A) Use for the treatment of metastatic cancer or  
14 associated conditions under:

15 (i) The United States Food and Drug Administration-  
16 approved indication; or

17 (ii) The National Comprehensive Cancer Network Drugs  
18 and Biologics Compendium indication; or

19 (B) Evidence-based, peer-reviewed, recognized medical  
20 literature.

21 (2) As used in subdivision (d)(1) of this section, "metastatic  
22 cancer" means cancer that has spread from a primary or original site of the  
23 cancer to surrounding or nearby tissues, lymph nodes, or other parts of the  
24 body.

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26 /s/G. Leding  
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