

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1304

4
5 By: Representative Ennett

For An Act To Be Entitled

8 AN ACT TO MANDATE COVERAGE FOR PRENATAL VITAMINS; AND
9 FOR OTHER PURPOSES.

Subtitle

12 TO MANDATE COVERAGE FOR PRENATAL
13 VITAMINS.

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

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19 SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
20 additional subchapter to read as follows:

Subchapter 24 – Coverage for Prenatal Vitamins

23-79-2401. Definitions.

As used in this subchapter:

26 (1)(A) “Health benefit plan” means an individual, blanket, or
27 group plan, policy, or contract for healthcare services issued, renewed, or
28 extended in this state by a healthcare insurer, health maintenance
29 organization, hospital medical service corporation, or self-insured
30 governmental or church plan in this state.

(B) “Health benefit plan” includes:

31 (i) The Arkansas Health and Opportunity for Me
32 Program established by the Arkansas Health and Opportunity for Me Act of
33 2021, § 23-61-1001 et seq.;
34

35 (ii) Indemnity and managed care plans; and

36 (iii) Plans providing health benefits to state and



1 public school employees under § 21-5-401 et seq.

2 (C) "Health benefit plan" does not include:

3 (i) A plan that provides only dental benefits or eye
 4 and vision care benefits;

5 (ii) A disability income plan;

6 (iii) A credit insurance plan;

7 (iv) Insurance coverage issued as a supplement to
 8 liability insurance;

9 (v) Medical payments under an automobile or
 10 homeowners insurance plan;

11 (vi) A health benefit plan provided under Arkansas
 12 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
 13 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

14 (vii) A plan that provides only indemnity for
 15 hospital confinement;

16 (viii) An accident-only plan; or

17 (ix) A specified disease plan;

18 (2)(A) "Healthcare insurer" means any insurance company,
 19 hospital and medical service corporation, or health maintenance organization
 20 that issues or delivers health benefit plans in this state and is subject to
 21 any of the following laws:

22 (i) The insurance laws of this state;

23 (ii) Section 23-75-101 et seq., pertaining to
 24 hospital and medical service corporations; or

25 (iii) Section 23-76-101 et seq., pertaining to
 26 health maintenance organizations.

27 (B) "Healthcare insurer" does not include an entity that
 28 provides only dental benefits or eye and vision care benefits;

29 (3) "Healthcare professional" means a person who is licensed,
 30 certified, or otherwise authorized by the laws of this state to administer
 31 health care in the ordinary course of the practice of his or her profession;
 32 and

33 (4) "Prenatal vitamins" means a supplement that is used to
 34 provide necessary nutrition and minerals during pregnancy.

35
 36 23-79-2402. Coverage for prenatal vitamins.

1 (a) A health benefit plan that is offered, issued, or renewed in this
 2 state shall provide coverage for prenatal vitamins prescribed by a healthcare
 3 professional on or after January 1, 2024.

4 (b) The coverage for prenatal vitamins under this section:

5 (1) May be subject to policy deductibles or copayment
 6 requirements of a healthcare insurer; and

7 (2) Does not diminish or limit benefits otherwise allowable
 8 under a health benefit plan.

9
 10 23-79-2403. Rules.

11 (a) The Insurance Commissioner shall develop and promulgate rules for
 12 the implementation and administration of this subchapter.

13 (b) The State Board of Finance may develop and promulgate rules for
 14 the administration of this subchapter for the plans providing health benefits
 15 to state and public school employees under § 21-5-401 et seq.

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 17 SECTION 2. DO NOT CODIFY. Rules.

18 (a) When adopting the initial rules required under this act, the
 19 Insurance Commissioner shall file the final rules with the Secretary of State
 20 for adoption under § 25-15-204(f):

21 (1) On or before January 1, 2024; or

22 (2) If approval under § 10-3-309 has not occurred by January 1,
 23 2024, as soon as practicable after approval under § 10-3-309.

24 (b) The commissioner shall file the proposed rules with the
 25 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
 26 2024, so that the Legislative Council may consider the rules for approval
 27 before January 1, 2024.