



Hugh McDonald
SECRETARY OF COMMERCE

Jimmy Harris
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

September 29, 2025

Senator Tyler Dees, Co-Chair
Representative Matthew Shepherd, Co-Chair
Administrative Rules Subcommittee
Arkansas Legislative Council
Via Rebecca Miller-Rice miller.ricer@blr.arkansas.gov

Re: State Insurance Department Arkansas Code § 25-15-216(c) Request to be Excluded from Promulgating Rules for Act 772 of 2025, To Create the End Organ and Genomic Harvesting Act, to Prohibit Coverage of Certain Human Organ Transplant or Post-Transplant Care, and to Prohibit Certain Genetic Sequencers and Genetic Analysis Technologies.

Dear Senator Dees and Representative Shepherd;

Pursuant to Arkansas Code § 25-15-216(c), the State Insurance Department respectfully requests that it be excluded from the requirements of Arkansas Code § 25-15-216(b)(3)-(5), because it believes that promulgation of a rule to implement Act 772 of 2025 is unnecessary.

Act 772 prohibits a health benefit plan from providing coverage for a human organ transplant or post-transplant care if the transplant is performed in China or a country known to participate in forced organ harvesting. The Act also prohibits coverage if the organ to be transplanted is obtained from China or a country known to participate in forced organ harvesting. Section Three of the Act, Arkansas Code § 23-79-169(f), requires the Department to promulgate rules for implementation. The Department is unaware of any further clarity it could provide through rulemaking.

The Department requests that the Administrative Rules Subcommittee and Arkansas Legislative Council determine that rulemaking is unnecessary and excuse the Department from having to promulgate a rule for Act 772 of 2025.

Sincerely,

A handwritten signature in blue ink that reads "Crystal Phelps".

Crystal Phelps
Managing Attorney
Arkansas Insurance Department