

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senators Snyder, Bookout, and Walters

# A Bill

SENATE BILL 816

## For An Act To Be Entitled

"AN ACT TO REQUIRE HEALTH INSURANCE COVERAGE OF DRUGS  
RECOGNIZED FOR TREATMENT OF PARTICULAR INDICATIONS BY  
STANDARD REFERENCE COMPENDIA OR MEDICAL LITERATURE; AND  
FOR OTHER PURPOSES."

## Subtitle

"TO REQUIRE HEALTH INSURANCE COVERAGE OF  
DRUGS RECOGNIZED FOR TREATMENT OF  
PARTICULAR INDICATIONS BY STANDARD  
REFERENCE COMPENDIA OR MEDICAL  
LITERATURE."

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

SECTION 1. As used in this act:

(1) "Commissioner" means the Commissioner of the State Insurance  
Department;

(2) "Insurance policy" means any individual, group or blanket policy,  
contract or evidence of coverage written, issued, amended, delivered or  
renewed in this state, or which provides such insurance for residents of this  
state by an insurance company, hospital medical corporation or health  
maintenance organization.

SECTION 2. (a) No insurance policy that provides coverage for  
prescription drugs shall limit or exclude coverage for any drug approved by  
the United States Food and Drug Administration for use in the treatment of  
cancer on the basis that the drug has not been approved by the United States  
Food and Drug Administration for the treatment of the specific type of cancer

1 for which the drug has been prescribed, provided the drug has been recognized  
2 as safe and effective for treatment of that specific type of cancer in any of  
3 the following standard reference compendia, unless the use is identified as  
4 not indicated in one or more such compendia:

5 (1) The American Medical Association drug evaluations;

6 (2) The American Hospital Formulary Service drug information;

7 (3) The United States Pharmacopoeia dispensing information;

8 or the drug has been recognized as safe and effective for treatment of that  
9 specific type of cancer in two articles from major peer-review professional  
10 medical journals that have not had their recognition of the drug's safety and  
11 effectiveness contradicted by clear and convincing evidence presented in  
12 another article from a major peer-reviewed professional medical journal.

13 (b) Coverage of a drug required by subsection (a) of this section  
14 includes medically necessary services associated with the administration of  
15 the drug, provided such services are covered by the insurance policy;

16 (c) Subsection (a) of this section shall not be construed to do any  
17 of the following:

18 (1) Require coverage for any drug if the United States Food and  
19 Drug Administration has determined its use to be contraindicated for the  
20 treatment of the specific type of cancer for which the drug has been  
21 prescribed;

22 (2) Require coverage for experimental or investigational drugs  
23 as defined by the insurance policy;

24 (3) Require coverage for experimental or investigational dosage  
25 or application of a drug, as defined by the insurance policy;

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

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

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33 SECTION 3. All provisions of this act of a general and permanent  
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
35 Code Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Snyder, et al.*

***As Engrossed: 3/28/95***

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