

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S2/19/99

## A Bill

SENATE BILL 151

5 By: Senators Bradford, Beebe  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 23-79-147(d); AND FOR  
10 OTHER PURPOSES. "

### Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE 23-79-147  
14 (d) REGARDING INSURANCE COVERAGE FOR  
15 CERTAIN DRUGS. "

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 *SECTION 1. Arkansas Code 23-79-147, regarding insurance coverage of*  
21 *certain drugs, is amended to read as follows:*

22 *"23-79-147. Prescription medication.*

23 *(a) As used in this section:*

24 *(1) 'Commissioner' means the Insurance Commissioner of the State*  
25 *Insurance Department; ~~and~~*

26 *(2) 'Insurance policy' means any individual, group, or blanket*  
27 *policy, contract, or evidence of coverage written, issued, amended, delivered,*  
28 *or renewed in this state, or which provides such insurance for residents of*  
29 *this state, by an insurance company, hospital medical corporation, or health*  
30 *maintenance organization- ; and*

31 *(3) 'Medical literature' means articles from major peer reviewed*  
32 *medical journals specified by the United States Department of Health and Human*  
33 *Services pursuant to section 1861(t)(2)(B) of the Social Security Act, 107*  
34 *Stat. 591 (1993), 42 U.S.C. 1395x(t)(2)(B), as amended.*

35 *(b) No insurance policy that provides coverage for prescription drugs*  
36 *shall limit or exclude coverage for any drug approved by the United States*

1 Food and Drug Administration for use in the treatment of cancer on the basis  
2 that the drug has not been approved by the United States Food and Drug  
3 Administration for the treatment of the specific type of cancer for which the  
4 drug has been prescribed, provided:

5 (1) The drug has been recognized as safe and effective for  
6 treatment of that specific type of cancer in any of the following standard  
7 reference compendia, unless the use is identified as not indicated in one (1)  
8 or more such compendia:

9 ~~(A) The American Medical Association drug evaluations;~~

10 ~~(B) (A) The American Hospital Formulary Service drug~~  
11 ~~information;~~

12 ~~(C) (B) The United States Pharmacopoeia dispensing~~  
13 ~~information; or~~

14 (2) The drug has been recognized as safe and effective for  
15 treatment of that specific type of cancer in two (2) articles from ~~major peer-~~  
16 ~~reviewed professional medical journals~~ medical literature that have not had  
17 their recognition of the drug's safety and effectiveness contradicted by clear  
18 and convincing evidence presented in another article from ~~a from major peer-~~  
19 ~~reviewed professional medical journals~~ medical literature.

20 (c) Coverage of a drug required by subsection (b) of this section  
21 includes medically necessary services associated with the administration of  
22 the drug, provided such services are covered by the insurance policy.

23 (d) Subsection (b) of this section shall not be construed to do any of  
24 the following:

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

29 ~~(2) Require coverage for experimental or investigational drugs,~~  
30 ~~as defined by the insurance policy;~~

31 ~~(3) Require coverage for an experimental or investigational~~  
32 ~~dosage or application of a drug, as defined by the insurance policy;~~

33 ~~(4)(3) Alter any law with regard to provisions limiting the~~  
34 ~~coverage of drugs that have not been approved by the United States Food and~~  
35 ~~Drug Administration; or~~

36 ~~(5) (4) Create, impair, alter, limit, modify, enlarge, abrogate,~~

1 *or prohibit reimbursement for drugs used in the treatment of any other disease*  
2 *or condition."*

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4 SECTION 2. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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*/s/ Bradford*

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