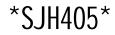
Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	As Engrossed: S2/19/99	
2	82nd General Assembly	A DIII	
3	Regular Session, 1999		SENATE BILL 151
4			
5	By: Senators Bradford, Beebe		
6			
7			
8	For An Act To Be Entitled		
9	"AN ACT TO AMEND ARKANSAS CODE 23-79-147(d); AND FOR		
10	OTHER PURPO	JSES. "	
11			
12		Subtitle	
13	"AN ACT TO AMEND ARKANSAS CODE 23-79-147		
14	(d) REGARDING INSURANCE COVERAGE FOR		
15	CERTA	IN DRUGS. "	
16			
17			
18	BE IT ENACTED BY THE GE	ENERAL ASSEMBLY OF THE STATE OF ARKA	ANSAS:
19			
20	SECTION 1. Arkansas Code 23-79-147, regarding insurance coverage of		
21	certain drugs, is amended to read as follows:		
22		cription medication.	
23	(a) As used in a		
24	• •	issioner' means the Insurance Commis	ssioner of the State
25	Insurance Department; a		
26		rance policy' means any individual,	c .
27		vidence of coverage written, issued,	
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 <u>; and</u>		
31		al literature' means articles from n	
32	medical journals specified by the United States Department of Health and Human		
33	<u>Services pursuant to section 1861(t)(2)(B) of the Social Security Act, 107</u>		
34	<u>Stat. 591 (1993), 42 U.S.C. 1395x(t)(2)(B), as amended.</u>		
35	(b) No insurance policy that provides coverage for prescription drugs		
36	shall limit or exclude	coverage for any drug approved by a	the United States



Food and Drug Administration for use in the treatment of cancer on the basis 1 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: (1) The drug has been recognized as safe and effective for 5 treatment of that specific type of cancer in any of the following standard 6 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 (2) The drug has been recognized as safe and effective for 14 15 treatment of that specific type of cancer in two (2) articles from major peerreviewed professional medical journals medical literature that have not had 16 their recognition of the drug's safety and effectiveness contradicted by clear 17 18 and convincing evidence presented in another article from a from major peerreviewed professional medical journals medical literature. 19 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: (1) Require coverage for any drug if the United States Food and 25 26 Drug Administration has determined its use to be contraindicated for the treatment of the specific type of cancer for which the drug has been 27 28 prescri bed; 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 dosage or application of a drug, as defined by the insurance policy; 32 33 (4)(3) Alter any law with regard to provisions limiting the coverage of drugs that have not been approved by the United States Food and 34 35 Drug Administration; or (5) (4) Create, impair, alter, limit, modify, enlarge, abrogate, 36

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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.		
7			
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.		
16	/s/ Bradford		
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