

State of Arkansas  
89th General Assembly  
Fiscal Session, 2014

*As Engrossed: H2/13/14*

# A Bill

HOUSE BILL 1130

By: Joint Budget Committee

## For An Act To Be Entitled

## Subtitle





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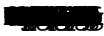



















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SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.

(a) As used in this section, "Health Care Independence Program" means the Health Care Independence Program established under the Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.

(b)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.

(2) The purposes of subdivision (b)(1) of this section are typically accomplished by:

(A) Identifying the purpose in the appropriation act;

(B) Delineating such maximums in the appropriation act for a state agency; and

(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, Arkansas Code § 19-5-101 et seq.

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.

(c)(1) Except as provided in this subsection, the Department of Health shall not allocate, budget, expend, or utilize any appropriation authorized by the General Assembly for the purpose of advertisement, promotion, or other

activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the Health Care Independence Program, including without limitation:

(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

(D) Advertisements printed in newspapers, magazines, or other print media; and

(E) Internet websites and electronic media.

(2) This subsection does not prohibit the department from:

(A) Direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Solicited communications with potential recipients;

(C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.

(ii) Educational materials and information distributed under subdivision (c)(2)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding the coverage for which the potential recipient might be eligible; and

(D) Using an Internet website for the exclusive purpose of enrolling individuals in the Arkansas Health Insurance Marketplace or the Health Care Independence Program.

(d) The Department of Health shall not apply for or accept any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the Health Care Independence Program.

(e)(1) Except as provided in subdivision (e)(2) of this section, the Department of Health shall not:

(A)(i) Except as provided in subdivision (e)(1)(A)(ii) of this section, allocate, budget, expend, or utilize an appropriation authorized by the General Assembly for the purpose of funding activities of

1 navigators, guides, certified application counselors, and certified licensed  
2 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,  
3 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

4 (ii) Subdivision (e)(1)(A)(i) of this section does  
5 not apply to regulatory and training responsibilities related to navigators,  
6 guides, certified application counselors, and certified licensed producers;  
7 and

8 (B) Apply for or accept any funds, including without  
9 limitation federal funds, for the purpose of funding activities of  
10 navigators, guides, certified application counselors, and certified licensed  
11 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,  
12 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

13 (2) Subdivision (e)(1) of this section does not apply to  
14 certified application counselors at health related institutions, including  
15 without limitation the University of Arkansas for Medical Sciences.

16 (f) An appropriation authorized by the General Assembly shall not be  
17 subject to the provisions allowed through reallocation of resources or  
18 transfer of appropriation authority for the purpose of transferring an  
19 appropriation to any other appropriation authorized for the Department of  
20 Health to be allocated, budgeted, expended, or utilized in a manner  
21 prohibited by this section.

22 (g) The provisions of this section are severable, and the invalidity  
23 of any subsection or subdivision of this section shall not affect other  
24 provisions of the section that can be given effect without the invalid  
25 provision.

26 (h) This section expires on June 30, 2015.

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34 /s/Joint Budget Committee



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