

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1074

5 By: Representative J. Mayberry
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE NEWBORN SCREENING FOR SPINAL
10 MUSCULAR ATROPHY; TO MANDATE THAT INSURANCE POLICIES
11 COVER NEWBORN SCREENING FOR SPINAL MUSCULAR ATROPHY;
12 AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO REQUIRE NEWBORN SCREENING FOR SPINAL
16 MUSCULAR ATROPHY; AND TO MANDATE THAT
17 INSURANCE POLICIES COVER NEWBORN
18 SCREENING FOR SPINAL MUSCULAR ATROPHY.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 20, Chapter 15, Subchapter 1, is
25 amended to add an additional section to read as follows:

26 20-15-101. Newborn screening for spinal muscular atrophy.

27 (a) As used in this section:

28 (1) "Newborn" means a child who is twenty-nine (29) days of age
29 or younger; and

30 (2) "Spinal muscular atrophy" means a genetic disease that
31 affects the part of the nervous system that controls voluntary muscle
32 movement.

33 (b) In addition to any other newborn screenings required by law, a
34 healthcare professional shall perform a newborn screening for spinal muscular
35 atrophy on every newborn under his or her care at the earliest feasible time
36 using a method that determines the presence or absence of the intact or



1 normal SMN1 gene.

2 (c) If a parent or legal guardian objects in writing to the newborn
 3 screening for spinal muscular atrophy required under subsection (b) of this
 4 section for reasons pertaining to religious beliefs, the newborn is exempt
 5 from the newborn screening for spinal muscular atrophy required under
 6 subsection (b) of this section.

7
 8 SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an
 9 additional subchapter to read as follows:

10 Subchapter 18 – Coverage for Newborn Screening for Spinal Muscular Atrophy

11
 12 23-79-1801. Definitions.

13 As used in this subchapter:

14 (1)(A) “Health benefit plan” means:

15 (i) An individual, blanket, or group plan, policy,
 16 or contract for healthcare services issued or delivered by an insurer, health
 17 maintenance organization, hospital medical service corporation, or self-
 18 insured governmental or church plan in this state; and

19 (ii) Any health benefit program receiving state or
 20 federal appropriations from the State of Arkansas, including the Arkansas
 21 Medicaid Program, the Health Care Independence Program, commonly referred to
 22 as the “Private Option”, and the Arkansas Works Program, or any successor
 23 program.

24 (B) “Health benefit plan” includes:

25 (i) An indemnity and managed care plan; and
 26 (ii) A nonfederal governmental plan as defined in 29
 27 U.S.C. § 1002(32), as it existed on January 1, 2019.

28 (C) “Health benefit plan” does not include:

29 (i) A disability income plan;
 30 (ii) A credit insurance plan;
 31 (iii) Insurance coverage issued as a supplement to
 32 liability insurance;

33 (iv) Medical payments under an automobile or
 34 homeowner’s insurance plan;

35 (v) A health benefit plan provided under Arkansas
 36 Constitution, Article 5, § 32, the Workers’ Compensation Law, § 11-9-101 et

1 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

2 (vi) A plan that provides only indemnity for
 3 hospital confinement;

4 (vii) An accident-only plan;

5 (viii) A specified disease plan; or

6 (ix) A long-term care only plan;

7 (2) "Healthcare professional" means a person who is licensed,
 8 certified, or otherwise authorized by the laws of this state to administer
 9 health care in the ordinary course of the practice of his or her profession;

10 (3) "Newborn" means a child who is twenty-nine (29) days of age
 11 or younger; and

12 (4) "Spinal muscular atrophy" means a genetic disease that
 13 affects the part of the nervous system that controls voluntary muscle
 14 movement.

15
 16 23-79-1802. Coverage for newborn screening for spinal muscular
 17 atrophy.

18 (a) A health benefit plan that is offered, issued, or renewed in this
 19 state shall offer coverage for newborn screening for spinal muscular atrophy
 20 by a healthcare professional on or after January 1, 2020.

21 (b) The coverage for newborn screening for spinal muscular atrophy
 22 under this section:

23 (1) Is not subject to policy deductibles or copayment
 24 requirements; and

25 (2) Does not diminish or limit benefits otherwise allowable
 26 under a health benefit plan.

27
 28
 29
 30
 31
 32
 33
 34
 35
 36