

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

A Bill

SENATE BILL 446

5 By: Senators G. Leding, B. Davis
6 By: Representatives Vaught, Murdock, L. Johnson, Maddox
7

For An Act To Be Entitled

9 AN ACT CONCERNING STEP THERAPY REQUIREMENTS FOR
10 CERTAIN PRESCRIPTION DRUGS TO TREAT METASTATIC
11 CANCER; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING STEP THERAPY REQUIREMENTS FOR
16 CERTAIN PRESCRIPTION DRUGS TO TREAT
17 METASTATIC CANCER.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 23-79-147(a), concerning definitions to be
23 used for prescription medication benefits, is amended to add an additional
24 subdivision to read as follows:

25 (4) "Metastatic cancer" means cancer that has spread from a
26 primary or original site of the cancer to surrounding or nearby tissues,
27 lymph nodes, or other parts of the body.
28

29 SECTION 2. Arkansas Code § 23-79-147(d), concerning the applicability
30 of the section for prescription medication, is amended to read as follows:

31 (d) ~~Subsection~~ Except as provided in subsection (e) of this section,
32 subsection (b) of this section shall not be construed to do any of the
33 following:

34 (1) Require coverage for any drug if the United States Food and
35 Drug Administration has determined its use to be contraindicated for the
36 treatment of the specific type of cancer for which the drug has been



1 prescribed;

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

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

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9 SECTION 3. Arkansas Code § 23-79-147, concerning prescription
 10 medication under an insurance policy, is amended to add an additional
 11 subsection to read as follows:

12 (e) An insurance policy that provides coverage for the treatment of
 13 metastatic cancer shall not limit or exclude coverage under the health
 14 benefit plan for a drug approved by the United States Food and Drug
 15 Administration that is on the prescription drug formulary of the insurance
 16 policy by mandating that a covered person with metastatic cancer undergo step
 17 therapy if the use of the approved drug is consistent with:

18 (1) Use for the treatment of metastatic cancer or associated
 19 conditions under:

20 (A) The United States Food and Drug Administration-
 21 approved indication; or

22 (B) The National Comprehensive Cancer Network Drugs and
 23 Biologics Compendium indication; or

24 (2) Medical literature.

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26 SECTION 4. Arkansas Code § 23-99-1114(c), concerning limitations on
 27 step therapy under the Prior Authorization Transparency Act, is amended to
 28 read as follows:

29 (c) ~~Notwithstanding~~ Except as provided in subsection (d) of this
 30 section, notwithstanding subsection (a) of this section, a utilization review
 31 entity may require the utilization of step therapy if:

32 (1) A new drug has been introduced to treat the patient's
 33 condition or an existing therapy is considered clinically appropriate for
 34 treatment of the patient's condition; or

35 (2) The patient's medical or physical condition has changed
 36 substantially since the step therapy was required that makes the use of

1 repeat step therapy appropriate.

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3 SECTION 5. Arkansas Code § 23-99-1114, concerning limitations on step
4 therapy under the Prior Authorization Transparency Act, is amended to add an
5 additional subsection to read as follows:

6 (d)(1) An insurance policy that provides coverage for the treatment of
7 metastatic cancer shall not limit or exclude coverage under the health
8 benefit plan for a drug approved by the United States Food and Drug
9 Administration that is on the prescription drug formulary of the insurance
10 policy by mandating that a covered person with metastatic cancer undergo step
11 therapy if the use of the approved drug is consistent with:

12 (A) Use for the treatment of metastatic cancer or
13 associated conditions under:

14 (i) The United States Food and Drug Administration-
15 approved indication; or

16 (ii) The National Comprehensive Cancer Network Drugs
17 and Biologics Compendium indication; or

18 (B) Peer-reviewed medical literature.

19 (2) As used in subdivision (d)(1) of this section, "metastatic
20 cancer" means cancer that has spread from a primary or original site of the
21 cancer to surrounding or nearby tissues, lymph nodes, or other parts of the
22 body.