1	State of Arkansas	A D'11		
2	94th General Assembly	A Bill		
3	Regular Session, 2023		HOUSE BILL 1288	
4				
5	By: Representatives Gazaway, M. Shepherd			
6	By: Senators C. Tucker, J. Bryant			
7				
8		For An Act To Be Entitled		
9	AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 20 OF			
10	THE ARKANSAS	CODE CONCERNING PUBLIC HEALTH	AND	
11	WELFARE; AND	FOR OTHER PURPOSES.		
12				
13				
14		Subtitle		
15		TECHNICAL CORRECTIONS TO TITL		
16		ARKANSAS CODE CONCERNING PUBLIC	C	
17	HEALTH A	AND WELFARE.		
18				
19	DE IT ENLOTED DY THE CENE	CRAL ASSEMBLY OF THE STATE OF A	ADIZANCAC.	
20 21	DE II ENACIED DI INE GENE	RAL ASSEMBLI OF THE STATE OF A	AKKANSAS:	
22	SECTION 1 Arkansa	us Code § 20-7-142 is repealed	for reenactment in a	
23		within the Arkansas Code.	Tot rechaeciment in a	
24		ous glucose monitor — Definitio)n.	
25		s section, "continuous glucose		
26		· · luding repair and replacement		
27		ned and offered for the purpos		
28	individual with diabetes;	-	-	
29	(2) Measures	glucose levels at set interva	als by means of a small	
30	electrode placed under th	ne skin and held in place by ar	n adhesive; and	
31	(3) Is gener	ally not useful to an individu	al who has not been	
32	diagnosed with diabetes.			
33	(b) The Arkansas M	ledicaid Program shall provide	coverage for a	
34	continuous glucose monite	or for the treatment of an indi	ividual if the	
35	individual has:			
36	(1) Either:			

1	(n) h presence of type I diabeted of any other type of				
2	diabetes with:				
3	(i) The use of insulin more than two (2) times				
4	daily; or				
5	(ii) Evidence of Level 2 or Level 3 hypoglycemia; or				
6	(B) Diagnosis of glycogen storage disease type la; and				
7	(2) Regular follow-up with a healtheare provider at a minimum				
8	every six (6) months to assess for ongoing benefit.				
9					
10	SECTION 2. Arkansas Code § 20-15-101(c)(2), concerning Hepatitis C				
11	screenings during pregnancy, is amended for clarity to read as follows:				
12	(2) Subdivision (c)(1) of this section does not affect the				
13	reports required to be submitted by the department Department of Health under				
14	any other laws, rules, or federal regulations.				
15					
16	SECTION 3. Arkansas Code § 20-56-305(b)(7), concerning prohibitions of				
17	advertising and use of certain symbols regarding medical marijuana, is				
18	amended to read as follows:				
19	(7) A cultivation facility or dispensary, or both, shall not use				
20	any of the following images within an advertisement, including without				
21	limitation:				
22	(A) A cross of any color;				
23	(B) A caduceus; or				
24	(C) Any other symbol that is commonly associated with the				
25	practice of medicine or the practice of pharmacy.				
26					
27	SECTION 4. Arkansas Code § 20-57-503(5)(B), concerning the definition				
28	of "non-time/temperature control for safety food" within the Food Freedom				
29	Act, is amended for consistency with the subdivision to read as follows:				
30	(B) "Non-time/temperature control for safety food"				
31	includes without limitation pickled cucumbers and other acidified vegetables				
32	that have an equilibrium pH value of 4.6 or less if:				
33	(i)(a) The recipe:				
34	(1) Is from a source approved by the				
35	department; or				
36	(2) Has been tested by an appropriately				

1	certified laboratory that confirmed the finished product has an equilibrium			
2	pH value of 4.6 or less.			
3	(b) If a recipe is not as described in			
4	subdivision (5)(B)(i)(a) of this section, the producer shall test each batch			
5	of the recipe with a calibrated pH meter to confirm the finished product has			
6	an equilibrium pH value of 4.6 or less;			
7	(ii) The batch is labeled with a unique number; and			
8	(iii) The producer maintains records that include:			
9	(a) The batch number;			
10	(b) The recipe used by the producer;			
11	(c) The source of the recipe or testing			
12	results if applicable; and			
13	(d) The date that the batch was prepared;			
14				
15	SECTION 5. Arkansas Code § 20-77-115(e), concerning personal care			
16	reimbursement rates, is amended for clarity to read as follows:			
17	(e) The program Arkansas Medicaid Program shall make sufficient funds			
18	available to a beneficiary to reimburse or pay a provider of personal care			
19	services for the number of hours of personal care services that the			
20	beneficiary needs or is qualified or eligible for.			
21				
22	SECTION 6. Arkansas Code Title 20, Chapter 77, Subchapter 1, is			
23	amended to add an additional section to read as follows:			
24	20-77-148. Continuous glucose monitor — Definition.			
25	(a) As used in this section, "continuous glucose monitor" means an			
26	instrument or device, including repair and replacement parts, that:			
27	(1) Is designed and offered for the purpose of aiding an			
28	individual with diabetes;			
29	(2) Measures glucose levels at set intervals by means of a small			
30	electrode placed under the skin and held in place by an adhesive; and			
31	(3) Is generally not useful to an individual who has not been			
32	diagnosed with diabetes.			
33	(b) The Arkansas Medicaid Program shall provide coverage for a			
34	continuous glucose monitor for the treatment of an individual if the			
35	individual has:			
36	(1) Either:			

1	(A) A presence of type l diabetes or any other type of			
2	diabetes with:			
3	(i) The use of insulin more than two (2) times			
4	daily; or			
5	(ii) Evidence of Level 2 or Level 3 hypoglycemia; or			
6	(B) Diagnosis of glycogen storage disease type la; and			
7	(2) Regular follow-up with a healthcare provider at a minimum			
8	every six (6) months to assess for ongoing benefit.			
9				
10	SECTION 7. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.			
11	It is the intent of the General Assembly that:			
12	(1) The enactment and adoption of this act shall not expressly			
13	or impliedly repeal an act passed during the regular session of the Ninety-			
14	Fourth General Assembly;			
15	(2) To the extent that a conflict exists between an act of the			
16	regular session of the Ninety-Fourth General Assembly and this act:			
17	(A) The act of the regular session of the Ninety-Fourth			
18	General Assembly shall be treated as a subsequent act passed by the General			
19	Assembly for the purposes of:			
20	(i) Giving the act of the regular session of the			
21	Ninety-Fourth General Assembly its full force and effect; and			
22	(ii) Amending or repealing the appropriate parts of			
23	the Arkansas Code of 1987; and			
24	(B) Section 1-2-107 shall not apply; and			
25	(3) This act shall make only technical, not substantive, changes			
26	to the Arkansas Code of 1987.			
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