

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/20/23

A Bill

HOUSE BILL 1288

5 By: Representatives Gazaway, M. Shepherd
6 By: Senators C. Tucker, J. Bryant
7

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

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 20
16 OF THE ARKANSAS CODE CONCERNING PUBLIC
17 HEALTH AND WELFARE.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 20-7-142 is repealed for reenactment in a
23 more appropriate section within the Arkansas Code.

~~24 20-7-142. 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 1 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 Ia; 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 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. *Uncodified Section 4 of Act 90 of 2021 is amended to read*
17 *as follows to correct an incorrect citation:*

18
19 SECTION 4. *DO NOT CODIFY. Delayed effective date.*

20 *The requirements in § 20-16-2403(a) and ~~§ 20-16-2407(a)~~ § 20-16-2407(b)*
21 *do not apply to a person performing an abortion until January 1, 2023.*

22
23 SECTION 5. Arkansas Code § 20-56-305(b)(7), concerning prohibitions on
24 advertising and use of certain symbols regarding medical marijuana, is
25 amended to read as follows:

26 (7) A cultivation facility or dispensary, or both, shall not use
27 any of the following images within an advertisement, ~~including without~~
28 ~~limitation:~~

29 (A) A cross of any color;

30 (B) A caduceus; or

31 (C) Any other symbol that is commonly associated with the
32 practice of medicine or the practice of pharmacy.

33
34 SECTION 6. Arkansas Code § 20-57-503(5)(B), concerning the definition
35 of "non-time/temperature control for safety food" within the Food Freedom
36 Act, is amended for consistency with the subdivision to read as follows:

1 (B) "Non-time/temperature control for safety food"
2 includes without limitation pickled cucumbers and other acidified vegetables
3 that have an equilibrium pH value of 4.6 or less if:

4 (i)(a) The recipe:

5 (1) Is from a source approved by the
6 department; or

7 (2) Has been tested by an appropriately
8 certified laboratory that confirmed the finished product has an equilibrium
9 pH value of 4.6 or less.

10 (b) If a recipe is not as described in
11 subdivision (5)(B)(i)(a) of this section, the producer shall test each batch
12 of the recipe with a calibrated pH meter to confirm the finished product has
13 an equilibrium pH value of 4.6 or less;

14 (ii) The batch is labeled with a unique number; and

15 (iii) The producer maintains records that include:

16 (a) The batch number;

17 (b) The recipe used by the producer;

18 (c) The source of the recipe or testing
19 results if applicable; and

20 (d) The date that the batch was prepared;

21
22 SECTION 7. Arkansas Code § 20-77-115(e), concerning personal care
23 reimbursement rates, is amended for clarity to read as follows:

24 (e) The ~~program~~ Arkansas Medicaid Program shall make sufficient funds
25 available to a beneficiary to reimburse or pay a provider of personal care
26 services for the number of hours of personal care services that the
27 beneficiary needs or is qualified or eligible for.

28
29 SECTION 8. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
30 amended to add an additional section to read as follows:

31 20-77-148. Continuous glucose monitor – Definition.

32 (a) As used in this section, "continuous glucose monitor" means an
33 instrument or device, including repair and replacement parts, that:

34 (1) Is designed and offered for the purpose of aiding an
35 individual with diabetes;

36 (2) Measures glucose levels at set intervals by means of a small

1 electrode placed under the skin and held in place by an adhesive; and

2 (3) Is generally not useful to an individual who has not been
3 diagnosed with diabetes.

4 (b) The Arkansas Medicaid Program shall provide coverage for a
5 continuous glucose monitor for the treatment of an individual if the
6 individual has:

7 (1) Either:

8 (A) A presence of type 1 diabetes or any other type of
9 diabetes with:

10 (i) The use of insulin more than two (2) times
11 daily; or

12 (ii) Evidence of Level 2 or Level 3 hypoglycemia; or

13 (B) Diagnosis of glycogen storage disease type 1a; and

14 (2) Regular follow-up with a healthcare provider at a minimum
15 every six (6) months to assess for ongoing benefit.

16
17 SECTION 9. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

18 It is the intent of the General Assembly that:

19 (1) The enactment and adoption of this act shall not expressly
20 or impliedly repeal an act passed during the regular session of the Ninety-
21 Fourth General Assembly;

22 (2) To the extent that a conflict exists between an act of the
23 regular session of the Ninety-Fourth General Assembly and this act:

24 (A) The act of the regular session of the Ninety-Fourth
25 General Assembly shall be treated as a subsequent act passed by the General
26 Assembly for the purposes of:

27 (i) Giving the act of the regular session of the
28 Ninety-Fourth General Assembly its full force and effect; and

29 (ii) Amending or repealing the appropriate parts of
30 the Arkansas Code of 1987; and

31 (B) Section 1-2-107 shall not apply; and

32 (3) This act shall make only technical, not substantive, changes
33 to the Arkansas Code of 1987.

34
35 /s/Gazaway