

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 311

5 By: Senator C. Penzo
6 By: Representative McAlindon
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE END ORGAN AND GENOMIC
10 HARVESTING ACT; TO PROHIBIT COVERAGE OF CERTAIN HUMAN
11 ORGAN TRANSPLANT OR POST-TRANSPLANT CARE; TO PROHIBIT
12 CERTAIN GENETIC SEQUENCERS AND GENETIC ANALYSIS
13 TECHNOLOGIES; AND FOR OTHER PURPOSES.
14

Subtitle

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16
17 TO CREATE THE END ORGAN AND GENOMIC
18 HARVESTING ACT; TO PROHIBIT COVERAGE OF
19 CERTAIN HUMAN ORGAN TRANSPLANT OR POST-
20 TRANSPLANT CARE; AND TO PROHIBIT CERTAIN
21 GENETIC SEQUENCERS AND GENETIC ANALYSIS
22 TECHNOLOGIES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Title.

27 This act shall be known and may be cited as the "End Organ and Genomic
28 Harvesting Act".
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30 SECTION 2. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended
31 to add an additional section to read as follows:

32 20-9-106. Prohibition on certain genetic sequencers and genetic
33 analysis technologies – Definitions.

34 (a) As used in this section:

35 (1) "Foreign adversary" means the People's Republic of China,
36 the Russian Federation, the Islamic Republic of Iran, the Democratic People's



1 Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas
2 Maduro, or the Syrian Arab Republic, including any agent of or any other
3 entity under significant control of a foreign adversary or any other entity
4 deemed a foreign adversary by the Governor in consultation with the Attorney
5 General;

6 (2) "Genetic sequencer" means a device or platform used to
7 conduct genetic analysis, resequencing, isolation, or other genetic research;

8 (3) "Human genome" means deoxyribonucleic acid (DNA) or
9 ribonucleic acid (RNA) found in human cells;

10 (4) "Medical facility" means a facility for the delivery of
11 healthcare services that:

12 (A) Either:

13 (i) Receives state moneys, including interagency
14 pass-through appropriations from the United States Government; or

15 (ii) Is licensed, registered, or permitted in this
16 state to provide healthcare services; and

17 (B) Conducts research or testing on, with, or relating to
18 genetic analysis or the human genome;

19 (5) "Operational and research software" means computer programs
20 used for the operation, control, analysis, or other necessary functions of
21 genetic analysis or genetic sequencers; and

22 (6) "Research facility" means a facility that:

23 (A) Receives state moneys, including interagency pass-
24 through appropriations from the United States Government; and

25 (B) Conducts research on, with, or relating to genetic
26 analysis or the human genome.

27 (b) A medical facility or research facility in this state shall not
28 utilize genetic sequencers or operational and research software used for
29 genetic analysis produced by a foreign adversary, a state-owned enterprise of
30 a foreign adversary, a company domiciled within a foreign adversary, or a
31 company-owned or company-controlled subsidiary of a company domiciled within
32 a foreign adversary for the purpose of conducting genetic analysis.

33 (c) All genetic sequencers and operational and research software used
34 for genetic sequencers prohibited under this section that are not permanently
35 disabled shall be removed and replaced with genetic sequencers and
36 operational and research software that is not prohibited under this section.

1 (d) Subject to appropriation, a medical facility or research facility
2 in this state may request a reimbursement up to the cost of replacement of
3 the genetic sequencers and operational and research software prohibited under
4 this section from the state if the request includes purchase orders and is
5 submitted by October 1, 2025.

6 (e)(1) A medical facility, research facility, or other company or
7 entity shall store all genetic sequencing data in the geographic location of
8 the United States.

9 (2) Remote access to data storage, other than open data, from
10 outside the United States, is prohibited unless approved in writing by the
11 Department of Health.

12 (3) If a medical facility, research facility, or other company
13 or entity stores genetic sequencing data, including through contracts with a
14 third-party data storage company, the medical facility, research facility, or
15 other company or entity shall ensure the security of genetic sequencing data
16 using reasonable encryption methods, restrictions on access, and other
17 cybersecurity best practices.

18 (f) On or before December 31 of each year, a medical facility or
19 research facility shall certify in writing to the Attorney General and the
20 Department of Health that the medical facility or research facility is
21 complying with this section.

22 (g)(1) A person or entity determined to be in violation of this
23 section or found guilty of a violation of this section shall be subject to a
24 fine of ten thousand dollars (\$10,000) per violation.

25 (2) Each unique instance of an individual's genome having
26 undergone genetic sequencing or analysis using prohibited genetic sequencers
27 or prohibited operational and research software shall be considered a
28 separate violation.

29 (h)(1) Any person may notify the Attorney General of a violation or
30 potential violation of this section.

31 (2) If the person notifying the Attorney General is an employee
32 of the entity accused of a violation, the person shall be afforded all
33 protections of a whistleblower under the Arkansas Whistle-Blower Act, § 21-1-
34 601 et seq.

35 (3) If the person notifying the Attorney General is a patient or
36 research subject of an entity found guilty of a violation of this section and

1 the person's genetic information was used in the violation, the person shall
 2 be entitled to recover statutory damages of not less than ten thousand
 3 dollars (\$10,000) for each unique use of his or her genomic information in
 4 violation of this section.

5 (4) The Attorney General shall investigate allegations of
 6 violations of this section.

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 8 SECTION 3. Arkansas Code Title 23, Chapter 79, Subchapter 1, is
 9 amended to add an additional section to read as follows:

10 23-79-169. Insurance coverage of certain human organ transplant or
 11 post-transplant care prohibited – Definitions.

12 (a) As used in this section:

13 (1) "Forced organ harvesting" means the removal of one (1) or
 14 more organs from a living person, or from a person killed for the purpose of
 15 removal of one (1) or more organs, by means of coercion, abduction,
 16 deception, fraud, or abuse of power over a position of vulnerability;

17 (2)(A) "Health benefit plan" means:

18 (i) An individual, blanket, or group plan, policy,
 19 or contract for healthcare services issued, renewed, or extended in this
 20 state by a healthcare insurer, health maintenance organization, hospital
 21 medical service corporation, or self-insured governmental or church plan in
 22 this state; and

23 (ii) Any health benefit program receiving state or
 24 federal appropriations from the State of Arkansas, including the Arkansas
 25 Medicaid Program and the Arkansas Health and Opportunity for Me Program
 26 established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-
 27 61-1001 et seq.

28 (B) "Health benefit plan" includes without limitation
 29 indemnity and managed care plans.

30 (C) "Health benefit plan" does not include:

31 (i) A plan that provides only dental benefits or eye
 32 and vision care benefits;

33 (ii) A disability income plan;

34 (iii) A credit insurance plan;

35 (iv) Insurance coverage issued as a supplement to
 36 liability insurance;

1 (v) Medical payments under an automobile or
2 homeowners insurance plan;

3 (vi) A health benefit plan provided under Arkansas
4 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
5 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

6 (vii) A plan that provides only indemnity for
7 hospital confinement;

8 (viii) An accident-only plan;

9 (ix) A specified disease plan; or

10 (x) Plans providing health benefits to state and
11 public school employees under § 21-5-401 et seq.; and

12 (3)(A) "Healthcare insurer" means any insurance company,
13 hospital and medical service corporation, or health maintenance organization
14 that issues or delivers health benefit plans in this state and is subject to
15 any of the following laws:

16 (i) The insurance laws of this state;

17 (ii) Section 23-75-101 et seq., pertaining to
18 hospital and medical service corporations; or

19 (iii) Section 23-76-101 et seq., pertaining to
20 health maintenance organizations.

21 (B) "Healthcare insurer" does not include an entity that
22 provides only dental benefits or eye and vision care benefits.

23 (b) A health benefit plan that is offered, issued, or renewed in this
24 state shall not provide coverage for a human organ transplant or post-
25 transplant care if:

26 (1) The transplant operation is performed in the People's
27 Republic of China or another country known to have participated in forced
28 organ harvesting, as designated by rule by the Insurance Commissioner; or

29 (2) The human organ to be transplanted is procured by sale or
30 donation originating in the People's Republic of China or another country
31 known to have participated in forced organ harvesting, as designated by rule
32 by the commissioner.

33 (c)(1) The commissioner may designate by rule any additional country
34 as having participated in forced organ harvesting if the government of that
35 country funds, sponsors, or otherwise facilitates forced organ harvesting.

36 (2) If under subdivision (c)(1) of this section the commissioner

1 designates an additional country as having participated in forced organ
2 harvesting, the commissioner shall provide written notice to healthcare
3 insurers.

4 (d) The commissioner shall develop and promulgate rules for the
5 implementation and administration of this section.

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7 SECTION 4. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of
8 this act or the application of this act to any person or circumstance is held
9 invalid, the invalidity shall not affect other provisions or applications of
10 this act which can be given effect without the invalid provision or
11 application, and to this end, the provisions of this act are declared
12 severable.

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