

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

# A Bill

SENATE BILL 490

5 By: Senator G. Leding  
6 By: Representative L. Johnson  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING COVERAGE FOR GENETIC TESTING FOR  
10 INHERITED CANCER MUTATIONS; TO CREATE THE GENETIC  
11 TESTING ACT; AND FOR OTHER PURPOSES.  
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13

## Subtitle

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15 CONCERNING COVERAGE FOR GENETIC TESTING  
16 FOR INHERITED CANCER MUTATIONS; AND TO  
17 CREATE THE GENETIC TESTING ACT.  
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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 Title 23, Chapter 79, is amended to add an  
23 additional subchapter to read as follows:

### Subchapter 24 – Genetic Testing Act

#### 23-79-2401. Title.

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26 This subchapter shall be known and may be cited as the "Genetic Testing  
27 Act".  
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#### 23-79-2402. Definitions.

##### As used in this subchapter:

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31  
32 (1) "Cost sharing" means a deductible payment, coinsurance  
33 amount, or any similar out-of-pocket expense;

34 (2) "Enrollee" means an individual entitled to coverage of  
35 healthcare services from a healthcare insurer;

36 (3) "Evidence-based screening" means a screening mammography,



breast screening magnetic resonance imaging, or any additional screening modalities according to nationally recognized clinical practice guidelines;

(4) "Genetic testing for inherited cancer mutations" means a genetic test for germline mutations that is conducted according to evidence-based screening and nationally recognized clinical practice guidelines specifically addressing genetic testing, screening, and management of individuals with inherited mutations associated with increased cancer risk;

(5)(A) "Health benefit plan" means any individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered by a healthcare insurer in this state.

(B) "Health benefit plan" does not include:

(i) Accident-only plans;

(ii) Specified disease plans;

(iii) Disability income plans;

(iv) Plans that provide only for indemnity for hospital confinement;

(v) Long-term-care-only plans that do not include pharmacy benefits;

(vi) Other limited-benefit health insurance policies or plans;

(vii) Health benefit plans provided under Arkansas Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

(viii) The Arkansas Medicaid Program;

(ix) A program established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-61-1001 et seq.; or

(x) Any state or local governmental employee plan;

(6)(A) "Healthcare insurer" means a:

(i) Health insurance issuer that:

(a) Is subject to state law regulating insurance; and

(b) Offers health insurance coverage under 42 U.S.C. § 300gg-91, as it existed on January 1, 2023;

(ii) Health maintenance organization; or

(iii) Hospital and medical service corporation.

(B) "Healthcare insurer" does not include an entity that

1 provides only dental benefits or eye and vision care benefits;

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

6 (8)(A) "Nationally recognized clinical practice guidelines"  
7 means evidence-based clinical practice guidelines that:

8 (i) Are developed by independent organizations or  
9 medical professional societies using a:

10 (a) Transparent methodology and reporting  
11 structure; and

12 (b) Conflict of interest policy; and

13 (ii) Establish standards of care that are informed  
14 by:

15 (a) A systemic review of evidence; and

16 (b) An assessment of benefits and costs of  
17 alterative care options that includes recommendations intended to optimize  
18 patient care.

19 (B) "Nationally recognized clinical practice guidelines"  
20 includes those produced by a national recognized oncology professional  
21 organization, including without limitation the National Comprehensive Cancer  
22 Network or the American Society of Clinical Oncology.

23  
24 23-79-2403. Coverage for genetic testing for inherited cancer  
25 mutations.

26 (a) A health benefit plan that is offered, issued, or renewed in this  
27 state shall provide coverage for:

28 (1) Genetic testing for inherited cancer mutations for an  
29 enrollee with a personal or family history of breast cancer if the genetic  
30 testing is recommended by a healthcare professional; and

31 (2) Evidenced-based screenings for an enrollee with an inherited  
32 cancer risk as recommended under nationally recognized clinical practice  
33 guidelines.

34 (b) The coverage under subsection (a) of this section is not subject  
35 to any cost-sharing requirements under other applicable law.

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