

1 State of Arkansas  
2 93rd General Assembly  
3 Fiscal Session, 2022  
4

# A Bill

HOUSE BILL 1098

5 By: Representatives Dotson, Shepherd, Wardlaw, Beaty Jr., Beck, M. Berry, S. Berry, Bragg, Brown, C.  
6 Cooper, Crawford, Dalby, M. Davis, Ennett, Eubanks, K. Ferguson, C. Fite, D. Garner, Godfrey, Hawks,  
7 M. Hodges, Hollowell, Hudson, Jett, Love, Maddox, McCullough, S. Meeks, Nicks, Perry, Scott, S.  
8 Smith, Speaks, Vaught, Warren, D. Whitaker, Wing, Wooten  
9 By: Senators Rice, Hickey, Irvin, Beckham, L. Chesterfield, J. Dismang, Elliott, J. English, Flippo,  
10 Gilmore, Hill, K. Ingram, B. Johnson, G. Leding, B. Sample, D. Sullivan  
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## For An Act To Be Entitled

12 AN ACT TO REQUIRE A FISCAL IMPACT STATEMENT FOR ANY  
13 PROPOSED LEGISLATION IMPOSING A NEW OR INCREASED COST  
14 OBLIGATION FOR HEALTH BENEFIT PLANS, INCLUDING  
15 PHARMACY BENEFITS, ON AN ENTITY OF THE STATE; TO  
16 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

20 TO REQUIRE A FISCAL IMPACT STATEMENT FOR  
21 ANY PROPOSED LEGISLATION IMPOSING A NEW  
22 OR INCREASED COST OBLIGATION FOR HEALTH  
23 BENEFIT PLANS, INCLUDING PHARMACY  
24 BENEFITS, ON AN ENTITY OF THE STATE; AND  
25 TO DECLARE AN EMERGENCY.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1, is amended  
32 to add an additional section to read as follows:

33 10-2-133. Increased cost obligations for health benefit plans – Fiscal  
34 impact statement required – Definitions.

35 (a) As used in this section:

36 (1) "Entity of the state" means any agency, board, bureau,



1 commission, committee, council, department, division, institution of higher  
2 education, office, public school, quasi-public organization, or other  
3 political subdivision of the state;

4 (2) "Fiscal impact statement" means a realistic written  
5 statement of the purpose of a proposed law and the estimated financial cost  
6 to an entity of the state of implementing or complying with the proposed law;  
7 and

8 (3) "Health benefit plan" means a policy, contract, certificate,  
9 or agreement offered or issued by an entity to provide, deliver, arrange for,  
10 pay for, or reimburse any of the costs of healthcare services, including  
11 pharmacy benefits, to an entity of the state.

12 (b)(1) A bill filed in the House of Representatives or the Senate that  
13 will impose a new or increased cost obligation for health benefit plans,  
14 including pharmacy benefits, on an entity of the state shall:

15 (A) Have a fiscal impact statement attached to the bill  
16 prepared and filed with the chair of the committee to which the bill is  
17 referred; and

18 (B) Not be taken up by the committee to which the bill is  
19 referred until a fiscal impact statement is provided to the chair of the  
20 committee.

21 (2) The services of actuaries may be obtained in evaluating the  
22 respective bills and preparing the fiscal impact statement.

23 (c)(1)(A) If a House bill or Senate bill is called up for final  
24 passage in the House of Representatives or the Senate and a fiscal impact  
25 statement has not been provided by the author of the bill or by the committee  
26 to which the bill was referred, a member of the House of Representatives or  
27 the Senate may object to the bill's being called up for final passage until a  
28 fiscal impact statement is prepared and made available on the desk of each  
29 member of the House of Representatives or the Senate at least one (1) day  
30 before the bill's being called up for final passage.

31 (B) An affirmative vote of two-thirds (2/3) of a quorum  
32 present and voting shall override the objection.

33 (2) If an objection is made without override, the presiding  
34 officer of the House of Representatives or the Senate shall cause the bill to  
35 be referred to an actuary for the preparation of a fiscal impact statement,  
36 which shall be filed with the presiding officer not later than five (5) days

1 from the date of the request.

2 (d) A fiscal impact statement required by this section shall be  
3 developed by an actuary within the guidelines adopted by the House Committee  
4 on Insurance and Commerce and the Senate Committee on Insurance and Commerce,  
5 as applicable.

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7 SECTION 2. Arkansas Code Title 21, Chapter 5, Subchapter 4, is amended  
8 to add an additional section to read as follows:

9 21-5-419. Introduction of bills affecting State and Public School Life  
10 and Health Insurance Program – Definitions.

11 (a) As used in this section:

12 (1) "Entity of the state" means any agency, board, bureau,  
13 commission, committee, council, department, division, institution of higher  
14 education, office, public school, quasi-public organization, or other  
15 political subdivision of the state; and

16 (2) "Health benefit plan" means a policy, contract, certificate,  
17 or agreement offered or issued by an entity to provide, deliver, arrange for,  
18 pay for, or reimburse any of the costs of healthcare services, including  
19 pharmacy benefits, to an entity of the state.

20 (b) A bill affecting the State and Public School Life and Health  
21 Insurance Program or that imposes a new or increased cost obligation for  
22 health benefit plans, including pharmacy benefits, on an entity of the state  
23 to be considered by the General Assembly at a regular session shall be  
24 introduced in the General Assembly during the first fifteen (15) calendar  
25 days of a regular session.

26 (c)(1) A bill as described in subsection (b) of this section shall not  
27 be introduced after the fifteenth day of a regular session unless the  
28 introduction of the bill is first approved by a three-fourths (3/4) vote of  
29 the full membership of each house of the General Assembly.

30 (2) If the General Assembly recesses for longer than three (3)  
31 consecutive days during the first fifteen (15) days of a regular session, the  
32 fifteen-day introduction deadline shall be extended for a time period equal  
33 to the recess.

34 (d) A bill affecting the State and Public School Life and Health  
35 Insurance Program or that imposes a new or increased cost obligation for  
36 health benefit plans, including pharmacy benefits, on an entity of the state

1 shall not be introduced or considered at a fiscal session or an extraordinary  
 2 session of the General Assembly unless the introduction and consideration of  
 3 the bill is first approved by a two-thirds (2/3) vote of the full membership  
 4 of each house of the General Assembly.

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 6 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 7 General Assembly of the State of Arkansas that the State and Public School  
 8 Life and Health Insurance Program is inadequate to provide sustainable  
 9 affordable health benefits for public school employees and state employees;  
 10 that an urgent need exists to address the state’s funding and administration  
 11 of benefits for public school employees and state employees in order for the  
 12 program to remain viable and to avoid severe financial hardship to plan  
 13 participants; and that this act is immediately necessary to provide  
 14 affordable health benefit options in a timely manner to the state’s public  
 15 school employees participating in the program and state employees  
 16 participating in the program. Therefore, an emergency is declared to exist,  
 17 and this act being immediately necessary for the preservation of the public  
 18 peace, health, and safety shall become effective on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,  
 21 the expiration of the period of time during which the Governor may veto the  
 22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is  
 24 overridden, the date the last house overrides the veto.

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 28 **APPROVED: 3/1/22**  
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