

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: S4/7/25

A Bill

SENATE BILL 311

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

For An Act To Be Entitled

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
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Subtitle

16 TO CREATE THE END ORGAN AND GENOMIC
17 HARVESTING ACT; TO PROHIBIT COVERAGE OF
18 CERTAIN HUMAN ORGAN TRANSPLANT OR POST-
19 TRANSPLANT CARE; AND TO PROHIBIT CERTAIN
20 GENETIC SEQUENCERS AND GENETIC ANALYSIS
21 TECHNOLOGIES.
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23

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".
29

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 same as the definition of
36 prohibited foreign party under § 18-11-802;



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

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

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

7 (A) Either:

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

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

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

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

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

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

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

22 (b) Beginning on October 1, 2025, a medical facility or research
23 facility in this state shall not put into service within this state any new
24 or additional genetic sequencers or operational and research software used
25 for genetic analysis produced by a foreign adversary, a state-owned
26 enterprise of a foreign adversary, a company domiciled within a foreign
27 adversary, or a company-owned or company-controlled subsidiary of a company
28 domiciled within a foreign adversary for the purpose of conducting genetic
29 analysis.

30 (c) A medical facility or research facility in this state shall report
31 in writing to the Secretary of the Department of Health on all instances of
32 ongoing usage of genetic sequencers and operational and research software
33 used for genetic sequencers produced by a foreign adversary, a state-owned
34 enterprise of a foreign adversary, a company domiciled within a foreign
35 adversary, or a company-owned or company-controlled subsidiary of a company
36 domiciled within a foreign adversary on January 1 of each year until the

1 equipment is no longer in use.

2 (d)(1) A medical facility, research facility, or other company or
3 entity shall store all genetic sequencing data outside of foreign adversary
4 countries.

5 (2) Remote access to data storage, other than open data, from
6 foreign adversary countries is prohibited.

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

13 (e) On or before December 31 of each year, a medical facility or
14 research facility shall certify in writing to the Attorney General and the
15 Department of Health that the medical facility or research facility is
16 complying with this section.

17 (f)(1) A person or entity determined to be in violation of this
18 section or found guilty of a violation of this section shall be subject to a
19 fine of ten thousand dollars (\$10,000) per violation.

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

24 (g)(1) Any person may notify the Attorney General of a violation or
25 potential violation of this section.

26 (2) If the person notifying the Attorney General is an employee
27 of the entity accused of a violation, the person shall be afforded all
28 protections of a whistleblower under the Arkansas Whistle-Blower Act, § 21-1-
29 601 et seq.

30 (3) If the person notifying the Attorney General is a patient or
31 research subject of an entity found guilty of a violation of this section and
32 the person's genetic information was used in violation of this section, the
33 entity shall also be found to have violated the Deceptive Trade Practices
34 Act, § 4-88-101 et seq.

35 (4) The Attorney General may investigate allegations of
36 violations of this section.

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

4 23-79-169. Insurance coverage of certain human organ transplant or
5 post-transplant care prohibited – Definitions.

6 (a) As used in this section:

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

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

12 (i) An individual, blanket, or group plan, policy,
13 or contract for healthcare services issued, renewed, or extended in this
14 state by a healthcare insurer, health maintenance organization, hospital
15 medical service corporation, or self-insured governmental or church plan in
16 this state; and

17 (ii) Any health benefit program receiving state or
18 federal appropriations from the State of Arkansas, including the Arkansas
19 Medicaid Program and the Arkansas Health and Opportunity for Me Program
20 established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-
21 61-1001 et seq.

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

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

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

27 (ii) A disability income plan;

28 (iii) A credit insurance plan;

29 (iv) Insurance coverage issued as a supplement to
30 liability insurance;

31 (v) Medical payments under an automobile or
32 homeowners insurance plan;

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

36 (vii) A plan that provides only indemnity for

1 hospital confinement;

2 (viii) An accident-only plan;

3 (ix) A specified disease plan; or

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

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

10 (i) The insurance laws of this state;

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

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

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

17 (b) Regardless of a claim filed by a medical facility or provider, a
18 health benefit plan that is offered, issued, or renewed in this state shall
19 not provide coverage for a human organ transplant or post-transplant care if:

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

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

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

30 (2) If under subdivision (c)(1) of this section the commissioner
31 designates an additional country as having participated in forced organ
32 harvesting, the commissioner shall provide written notice to healthcare
33 insurers.

34 (d) A healthcare insurer may seek reimbursement or setoff from a
35 medical facility or provider if a claim is submitted and paid in violation of
36 this section.

