

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

As Engrossed: S3/20/25

A Bill

SENATE BILL 331

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

For An Act To Be Entitled

9 AN ACT CONCERNING COVERAGE FOR GENETIC TESTING FOR
10 INHERITED CANCER MUTATIONS; TO CREATE THE GENETIC
11 TESTING ACT; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING COVERAGE FOR GENETIC TESTING
16 FOR INHERITED CANCER MUTATIONS; AND TO
17 CREATE THE GENETIC TESTING ACT.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
22 additional subchapter to read as follows:
23

Subchapter 29 – Genetic Testing Act

23-79-2901. Title.

27 This subchapter shall be known and may be cited as the "Genetic Testing
28 Act".
29

23-79-2902. Definitions.

31 As used in this subchapter:

32 (1) "Clinical genetic testing for an inherited cancer mutation"
33 means germline testing for an inherited mutation associated with an increased
34 cancer risk according to evidence-based, clinical practice guidelines;

35 (2) "Cost-sharing requirements" means a deductible payment,
36 coinsurance amount, copayment, or any similar out-of-pocket expense;



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

3 (4) "Evidence-based cancer imaging" means an evidence-based
4 cancer imaging modalities according to the National Comprehensive Cancer
5 Network clinical practice guidelines;

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

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

10 (i) Accident-only plans;

11 (ii) Specified disease plans;

12 (iii) Disability income plans;

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

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

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

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

22 (viii) The Arkansas Medicaid Program;

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

25 (x) Any state or local governmental employee plan;
26 or

27 (xi) A plan that provides only dental benefits or
28 eye and vision care benefits;

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

30 (i) Health insurance issuer that is subject to state
31 law regulating insurance;

32 (ii) Health maintenance organization;

33 (iii) Hospital and medical service corporation; or

34 (iv) An entity that provides plans as a nonprofit
35 agricultural membership organization as defined in § 23-60-104.

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

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

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.

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6 23-79-2903. Coverage for genetic testing for inherited cancer
7 mutations.

8 (a) On and after January 1, 2026, a health benefit plan that is
9 offered, issued, or renewed in this state shall provide coverage for:

10 (1) Clinical genetic testing for a clinical genetic testing for
11 an inherited cancer mutation for an enrollee with a personal or family
12 history of cancer if the clinical genetic testing for a clinical genetic
13 testing for an inherited cancer mutation is recommended by a healthcare
14 professional; and

15 (2) Evidenced-based cancer imaging for an enrollee with an
16 increased risk of cancer as recommended by National Comprehensive Cancer
17 Network clinical practice guidelines.

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

20 (c)(1) If application of this section would result in health savings
21 account ineligibility under guidance issued by the United States Department
22 of the Treasury under 26 U.S.C. § 223, as in effect on January 1, 2025, then
23 this section shall apply only to health savings accounts with qualified high
24 deductible health plans with respect to the deductible of a health benefit
25 plan after the individual has satisfied the minimum deductible.

26 (2) This section does apply to items or services that are
27 considered to be preventive care under 26 U.S.C. § 223(c)(2)(C), as in effect
28 on January 1, 2025, whether or not the minimum deductible has been satisfied.

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30 23-79-2904. Rules.

31 The Insurance Commissioner may develop and promulgate rules for the
32 implementation and administration of this subchapter.

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34 */s/G. Leding*