State of Arkansas *As Engrossed: S4/7/25*
95th General Assembly **A Bill**
Regular Session, 2025 SENATE BILL 311

By: Senator C. Penzo
By: Representative McAlindon

For An Act To Be Entitled

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

Subtitle

TO CREATE THE END ORGAN AND GENOMIC HARVESTING ACT; TO PROHIBIT COVERAGE OF CERTAIN HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT CARE; AND TO PROHIBIT CERTAIN GENETIC SEQUENCERS AND GENETIC ANALYSIS TECHNOLOGIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "End Organ and Genomic Harvesting Act".

SECTION 2. Arkansas Code Title 20, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

20-9-106. Prohibition on certain genetic sequencers and genetic analysis technologies — Definitions.

(a) As used in this section:

(1) "Foreign adversary" means the same as the definition of prohibited foreign party under § 18-11-802;

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

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

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

(A) Either:

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

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

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

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

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

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

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

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

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

equipment is no longer in use.

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

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

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

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

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

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

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

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

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

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

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

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

(a) As used in this section:

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

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

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

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

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

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

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

(ii) A disability income plan;

(iii) A credit insurance plan;

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

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

(vi) A health benefit plan 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.;

(vii) A plan that provides only indemnity for

hospital confinement;

(viii) An accident-only plan;

(ix) A specified disease plan; or

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

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

(i) The insurance laws of this state;

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

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

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

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

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

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

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

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

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

(e) Notwithstanding any other provision of this section, care that is provided to save the life of an individual after the individual receives a prohibited organ transplant shall be covered.

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

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

/s/C. Penzo

APPROVED: 4/17/25