

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/20/23
A Bill

HOUSE BILL 1288

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 20 OF
THE ARKANSAS CODE CONCERNING PUBLIC HEALTH AND
WELFARE; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 20
OF THE ARKANSAS CODE CONCERNING PUBLIC
HEALTH AND WELFARE.

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

SECTION 1. Arkansas Code § 20-7-142 is repealed for reenactment in a more appropriate section within the Arkansas Code.

~~20-7-142. Continuous glucose monitor—Definition.~~

~~(a) As used in this section, “continuous glucose monitor” means an instrument or device, including repair and replacement parts, that:~~

~~(1) Is designed and offered for the purpose of aiding an individual with diabetes;~~

~~(2) Measures glucose levels at set intervals by means of a small electrode placed under the skin and held in place by an adhesive; and~~

~~(3) Is generally not useful to an individual who has not been diagnosed with diabetes.~~

~~(b) The Arkansas Medicaid Program shall provide coverage for a continuous glucose monitor for the treatment of an individual if the individual has:~~

~~(1) Either:~~



~~(A) A presence of type 1 diabetes or any other type of diabetes with:~~

~~(i) The use of insulin more than two (2) times daily; or~~

~~(ii) Evidence of Level 2 or Level 3 hypoglycemia; or~~

~~(B) Diagnosis of glycogen storage disease type Ia; and~~

~~(2) Regular follow up with a healthcare provider at a minimum every six (6) months to assess for ongoing benefit.~~

SECTION 2. Arkansas Code § 20-15-101(c)(2), concerning Hepatitis C screenings during pregnancy, is amended for clarity to read as follows:

(2) Subdivision (c)(1) of this section does not affect the reports required to be submitted by the ~~department~~ Department of Health under any other laws, rules, or federal regulations.

SECTION 3. Uncodified Section 4 of Act 90 of 2021 is amended to read as follows to correct an incorrect citation:

SECTION 4. DO NOT CODIFY. Delayed effective date.

The requirements in § 20-16-2403(a) and ~~§ 20-16-2407(a)~~ § 20-16-2407(b) do not apply to a person performing an abortion until January 1, 2023.

SECTION 5. Arkansas Code § 20-56-305(b)(7), concerning prohibitions on advertising and use of certain symbols regarding medical marijuana, is amended to read as follows:

(7) A cultivation facility or dispensary, or both, shall not use any of the following images within an advertisement, ~~including without limitation:~~

(A) A cross of any color;

(B) A caduceus; or

(C) Any other symbol that is commonly associated with the practice of medicine or the practice of pharmacy.

SECTION 6. Arkansas Code § 20-57-503(5)(B), concerning the definition of "non-time/temperature control for safety food" within the Food Freedom Act, is amended for consistency with the subdivision to read as follows:

(B) “Non-time/temperature control for safety food” includes without limitation pickled cucumbers and other acidified vegetables that have an equilibrium pH value of 4.6 or less if:

(i)(a) The recipe:

(1) Is from a source approved by the department; or

(2) Has been tested by an appropriately certified laboratory that confirmed the finished product has an equilibrium pH value of 4.6 or less.

(b) If a recipe is not as described in subdivision (5)(B)(i)(a) of this section, the producer shall test each batch of the recipe with a calibrated pH meter to confirm the finished product has an equilibrium pH value of 4.6 or less;

(ii) The batch is labeled with a unique number; and

(iii) The producer maintains records that include:

(a) The batch number;

(b) The recipe used by the producer;

(c) The source of the recipe or testing

results if applicable; and

(d) The date that the batch was prepared;

SECTION 7. Arkansas Code § 20-77-115(e), concerning personal care reimbursement rates, is amended for clarity to read as follows:

(e) The ~~program~~ Arkansas Medicaid Program shall make sufficient funds available to a beneficiary to reimburse or pay a provider of personal care services for the number of hours of personal care services that the beneficiary needs or is qualified or eligible for.

SECTION 8. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:

20-77-148. Continuous glucose monitor – Definition.

(a) As used in this section, “continuous glucose monitor” means an instrument or device, including repair and replacement parts, that:

(1) Is designed and offered for the purpose of aiding an individual with diabetes;

(2) Measures glucose levels at set intervals by means of a small

electrode placed under the skin and held in place by an adhesive; and

(3) Is generally not useful to an individual who has not been diagnosed with diabetes.

(b) The Arkansas Medicaid Program shall provide coverage for a continuous glucose monitor for the treatment of an individual if the individual has:

(1) Either:

(A) A presence of type 1 diabetes or any other type of diabetes with:

(i) The use of insulin more than two (2) times daily; or

(ii) Evidence of Level 2 or Level 3 hypoglycemia; or

(B) Diagnosis of glycogen storage disease type Ia; and

(2) Regular follow-up with a healthcare provider at a minimum every six (6) months to assess for ongoing benefit.

SECTION 9. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fourth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fourth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

/s/Gazaway