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September 1, 2021

ARKANSAS INSURANCE DEPARTMENT
ACT 595 REPORT
Agency Review of Laws Enacted in 2021 to Determine
Whether Rulemaking is Required

Arkansas Code Ann. § 25-15-216 requires state agencies to review any newly enacted laws after each regular and fiscal session of the General Assembly to determine whether any existing rule should be repealed or amended, or any new rule should be adopted. At the conclusion of each review, the agency is required to adopt a written report of the result of the review.

The Arkansas Insurance Department (“AID”) has conducted a review of laws enacted during the regular session of 2021 and hereby submits this report of its conclusions. The following laws require existing AID rules to be amended or new rules adopted:

Act	AID Rule	Rule Name	Action
Act 665	118	PBM Regulations	Amend Rule
Act 1018	126	Insurance Business Transfers	Adopt New Rule
Act 1054	127	PANS/PANDA	Adopt New Rule
Act 97	107	Step Therapy	Adopt New Rule
Act 357	120	Prescription Eye Drops	Adopt New Rule
Act 672	65	Credit for Reinsurance	Amend Rule
Act 343	Funeral Brd 2	Perpetual Cemeteries	Adopt New Rule
Act 397	31	Pre-License Education for Producers	Amend Rule
Act 955	111	Craniofacial Anomaly Reconstructive Surgery Coverage	Amend Rule

Pursuant to Ark. Code Ann. § 25-15-216 (c)(1), if a newly enacted law specifically requires the adoption of a rule by an agency and the agency believes that a rule is not necessary for the operation of the newly enacted law, it may submit a written request to the Legislative Council providing notification of the agency’s intent to not adopt the required rule.

Following AID's review of newly enacted legislation in the 2021 regular session, the following laws were determined to specifically require the adoption of rules, but AID believes two of these Acts provide sufficient details to permit AID enforcement, are self-executing, and any proposed rules would merely restate the language of the legislation. One of these Acts is currently in litigation.

Act	Subject Matter of Law	Action
Act 965	Fairness in Cost Sharing	No Rule Needed
Act 1103	340B Drug Pricing	In Litigation
Act 1105	Best Interest Billing	No Rule Needed

Pursuant to Ark. Code Ann. § 25-15-216 (a)(3), this report will be maintained as a public record by AID and will be published on the AID website, <http://insurance.arkansas.gov>. Any questions regarding this bulletin should be directed to insurance.legal@arkansas.gov at AID or by phone at 501-371-2820.



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DATE