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SUPREME COURT OF ARKANSAS

IN RE CREATION OF RULE 412 OF
THE ARKANSAS RULES OF
EVIDENCE

Opinion Delivered: February 5, 2026

PER CURIAM

The Arkansas Supreme Court’s Committee on Civil Practice considered and made recommendations for how to address the General Assembly’s change to Arkansas Code Annotated section 16-64-120(a) pursuant to 2025 Acts of Ark. No. 28. We now publish our proposed change for comment. The comment period shall end on April 1, 2026. Comments should be submitted in writing to: Kyle E. Burton, Clerk of the Arkansas Supreme Court, Attention: Amendments to Arkansas Rules of Civil Procedure, Justice Building, 625 Marshall Street, Little Rock, AR 72201, or by email: rulescomments@arcourts.gov. The new rule is shown in “line-in, line-out” form.

Arkansas Rules of Evidence

Rule 412. Past necessary medical care, treatment, or services.

(a) Evidence of costs other than those costs actually paid by or on behalf of the plaintiff or that remain unpaid and for which the plaintiff or any third party is legally responsible is not admissible to prove the reasonable value of past necessary medical care, treatment, or services received.

(b) For purposes of this rule the term “plaintiff” means the person who received the past necessary medical care, treatment, or services for which damages are sought.

Reporter’s Note: Evidence of billed medical charges are inadmissible to the extent they represent an amount a medical provider has agreed to not accept and reduce further. The actual medical charges, those sums required to be collected, or which have been collected, are relevant evidence.