

SENATE BILL NO. 2194

Introduced by

Senators W. Stenehjem, Holmberg, Lee

Representatives Delmore, Kliniske, Poolman

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota
2 Century Code, relating to health insurance coverage for inherited metabolic disease.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Foods and food products for inherited metabolic diseases.**

7 1. As used in this section:

8 a. "Inherited metabolic disease" means maple syrup urine disease or
9 phenylketonuria.

10 b. "Low protein modified food product" means a food product that is specially
11 formulated to have less than one gram of protein per serving and is intended
12 to be used under the direction of a physician for the dietary treatment of an
13 inherited metabolic disease. The term does not include a natural food that is
14 naturally low in protein.

15 c. "Medical food" means a food that is intended for the dietary treatment of a
16 disease or condition for which nutritional requirements are established by
17 medical evaluation and is formulated to be consumed or administered under
18 the direction of a physician.

19 2. An insurance company, nonprofit health service corporation, or health maintenance
20 organization may not deliver, issue, execute, or renew any health insurance policy,
21 health service contract, or evidence of coverage that provides prescription
22 coverage on an individual, group, blanket, franchise, or association basis, unless
23 the policy or contract provides, for any person covered under the policy or contract,
24 coverage for medical foods and low protein modified food products determined by

- 1 a physician to be medically necessary for the therapeutic treatment of an inherited
2 metabolic disease.
- 3 3. This section applies to any covered individual, regardless of age or the existence of
4 any preexisting condition. This section does not require coverage for low protein
5 modified food products in excess of three thousand dollars per year for an
6 individual with an inherited metabolic disease of amino acid or organic acid.