Fifty-sixth Legislative Assembly of North Dakota

## SENATE BILL NO. 2374

Introduced by

Senators W. Stenehjem, Lee, Thane

Representatives Delmore, Kliniske, Poolman

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 and a new section to

2 chapter 54-52.1 of the North Dakota Century Code, relating to medical assistance and

3 insurance coverage of foods and food products for inherited metabolic diseases; and to amend

4 and reenact section 26.1-36-09.7 of the North Dakota Century Code, relating to removal of the

5 sunset provision of the foods and food products for inherited metabolic diseases insurance

6 coverage law.

## 7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1. AMENDMENT.** Section 26.1-36-09.7 of the 1997 Supplement to the 9 North Dakota Century Code is amended and reenacted as follows:

10 26.1-36-09.7. (Effective through July 31, 1999) Foods and food products for

11 inherited metabolic diseases.

## 12 1. As used in this section:

- a. "Inherited metabolic disease" means maple syrup urine disease or
  phenylketonuria.
- b. "Low protein modified food product" means a food product that is specially
  formulated to have less than one gram of protein per serving and is intended
  to be used under the direction of a physician for the dietary treatment of an
  inherited metabolic disease. The term does not include a natural food that is
  naturally low in protein.
- c. "Medical food" means a food that is intended for the dietary treatment of a
  disease or condition for which nutritional requirements are established by
  medical evaluation and is formulated to be consumed or administered under
  the direction of a physician.

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1 2. An insurance company, nonprofit health service corporation, or health maintenance 2 organization may not deliver, issue, execute, or renew any health insurance policy, 3 health service contract, or evidence of coverage that provides prescription 4 coverage on an individual, group, blanket, franchise, or association basis, unless 5 the policy or contract provides, for any person covered under the policy or contract, 6 coverage for medical foods and low protein modified food products determined by 7 a physician to be medically necessary for the therapeutic treatment of an inherited 8 metabolic disease. 9 3. This section applies to any covered individual born after December 31, 1962. This 10 section does not require coverage for low protein modified food products in excess

of three thousand dollars per year for an individual with an inherited metabolic
disease of amino acid or organic acid.

SECTION 2. A new section to chapter 50-24.1 of the North Dakota Century Code is
created and enacted as follows:

15 Medical assistance - Foods and food products for inherited metabolic diseases.

16 Medical assistance coverage provided by the department of human services must include

17 coverage for foods and food products for inherited metabolic diseases in the same manner as

18 provided for under section 26.1-36-09.7.

SECTION 3. A new section to chapter 54-52.1 of the North Dakota Century Code iscreated and enacted as follows:

21 Insurance to cover foods and food products for inherited metabolic diseases.

22 The board shall provide medical benefits coverage under a contract for insurance pursuant to

23 section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 for foods

24 and food products for inherited metabolic diseases in the same manner as provided for under

25 section 26.1-36-09.7.