

Fifty-fifth
Legislative Assembly
of North Dakota

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; and to
3 provide an expiration date.

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

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

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

8 1. As used in this section:

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

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

1 policy or contract, coverage for medical foods and low protein modified food
2 products determined by a physician to be medically necessary for the therapeutic
3 treatment of an inherited metabolic disease.

4 3. This section applies to any covered individual born after December 31, 1962. This
5 section does not require coverage for low protein modified food products in excess
6 of three thousand dollars per year for an individual with an inherited metabolic
7 disease of amino acid or organic acid.

8 **SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 1999, and
9 after that date is ineffective.