

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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 54-52.1 of the North Dakota  
2 Century Code, relating to insurance coverage of foods and food products for inherited  
3 metabolic diseases; and to amend and reenact section 26.1-36-09.7 of the North Dakota  
4 Century Code, relating to removal of the sunset provision of the foods and food products for  
5 inherited metabolic diseases insurance coverage law.

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

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

9 **26.1-36-09.7. (~~Effective through July 31, 1999~~) Foods and food products for**  
10 **inherited metabolic diseases.**

11 1. As used in this section:

12 a. "Inherited metabolic disease" means maple syrup urine disease or  
13 phenylketonuria.

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

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

23 2. An insurance company, nonprofit health service corporation, or health  
24 maintenance organization may not deliver, issue, execute, or renew any health

1 insurance policy, health service contract, or evidence of coverage that provides  
2 prescription coverage on an individual, group, blanket, franchise, or association  
3 basis, unless the policy or contract provides, for any person covered under the  
4 policy or contract, coverage for medical foods and low protein modified food  
5 products determined by a physician to be medically necessary for the therapeutic  
6 treatment of an inherited metabolic disease.

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

11 4. This section does not require medical benefits coverage for low protein modified  
12 food products or medical food for an individual to the extent those benefits are  
13 available to that individual under a department of health program or under a  
14 department of human services program.

15 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is  
16 created and enacted as follows:

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

18 The board shall provide medical benefits coverage under a contract for insurance pursuant to  
19 section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 for foods  
20 and food products for inherited metabolic diseases in the same manner as provided for under  
21 section 26.1-36-09.7.