

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2374  
(Senators W. Stenehjem, Lee, Thane)  
(Representatives Delmore, Kliniske, Poolman)

AN ACT to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage of foods and food products for inherited metabolic diseases; and to amend and reenact section 26.1-36-09.7 of the North Dakota Century Code, relating to removal of the sunset provision of the foods and food products for inherited metabolic diseases insurance coverage law.

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

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

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

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

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

**Insurance to cover foods and food products for inherited metabolic diseases.** The board shall provide medical benefits coverage under a contract for insurance pursuant to section 54-52.1-04

or under a self-insurance plan pursuant to section 54-52.1-04.2 for foods and food products for inherited metabolic diseases in the same manner as provided for under section 26.1-36-09.7.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2374.

Senate Vote:    Yeas    45        Nays    0        Absent    4

House Vote:    Yeas    89        Nays    7        Absent    2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State