

§1  
C. 17:48-6s  
§2 C. 17:48A-7q  
§3 C. 17:48E-35.16  
§4 C. 17B:26-2.1o  
§5 C. 17B:27-46.1r  
§6 C. 17B:27A-7.4  
§7 C. 17B:27A-19.6  
§8 C. 26:2J-4.17  
§9 C. 52:14-17.29c

P.L. 1997, CHAPTER 338, *approved January 12, 1998*  
Senate, No. 1887 (*Second Reprint*)

1 **AN ACT** concerning coverage for foods and food products for  
2 inherited metabolic diseases and supplementing P.L.1938, c.366  
3 (C.17:48-1 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985,  
4 c.236 (C.17:48E-1 et seq.), chapter 26 of Title 17B of the New  
5 Jersey Statutes, chapter 27 of Title 17B of the New Jersey Statutes,  
6 P.L.1992, c.161 (C.17B:27A-2 et seq.), P.L.1992, c.162  
7 (C.17B:27A-17 et seq.) <sup>2</sup>[and], <sup>2</sup>P.L.1973, c.337 (C.26:2J-1 et  
8 seq.) <sup>2</sup>and P.L.1961, c.49 (C.52:14-17.25 et seq.)<sup>2</sup>.

9  
10 **BE IT ENACTED** by the Senate and General Assembly of the State  
11 of New Jersey:

12  
13 1. No group or individual hospital service corporation contract  
14 providing hospital or medical expense benefits shall be delivered,  
15 issued, executed or renewed in this State, or approved for issuance or  
16 renewal in this State by the Commissioner of Banking and Insurance  
17 on or after the effective date of this act, unless the contract provides  
18 benefits to each person covered thereunder for expenses incurred in  
19 the therapeutic treatment of inherited metabolic diseases, including the  
20 purchase of medical foods and low protein modified food products,  
21 when diagnosed and determined to be medically necessary by the  
22 covered person's physician.

23 For the purposes of this section, "inherited metabolic disease"  
24 means a disease caused by an inherited abnormality of body chemistry  
25 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
26 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
27 product" means a food product that is specially formulated to have less  
28 than one gram of protein per serving and is intended to be used under  
29 the direction of a physician for the dietary treatment of an inherited  
30 metabolic disease, but does not include a natural food that is naturally  
31 low in protein; and "medical food" means a food that is intended for

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHH committee amendments adopted June 12, 1997.

<sup>2</sup> Assembly AIN committee amendments adopted December 11, 1997.

1 the dietary treatment of a disease or condition for which nutritional  
2 requirements are established by medical evaluation and is formulated  
3 to be consumed or administered enterally under direction of a  
4 physician.

5 The benefits shall be provided to the same extent as for any other  
6 medical condition under the contract.

7 The provisions of this section shall apply to all contracts in which  
8 the hospital service corporation has reserved the right to change the  
9 premium.

10

11 2. No group or individual medical service corporation contract  
12 providing hospital or medical expense benefits shall be delivered,  
13 issued, executed or renewed in this State, or approved for issuance or  
14 renewal in this State by the Commissioner of Banking and Insurance  
15 on or after the effective date of this act, unless the contract provides  
16 benefits to each person covered thereunder for expenses incurred in  
17 the therapeutic treatment of inherited metabolic diseases, including the  
18 purchase of medical foods and low protein modified food products,  
19 when diagnosed and determined to be medically necessary by the  
20 covered person's physician.

21 For the purposes of this section, "inherited metabolic disease"  
22 means a disease caused by an inherited abnormality of body chemistry  
23 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
24 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
25 product" means a food product that is specially formulated to have less  
26 than one gram of protein per serving and is intended to be used under  
27 the direction of a physician for the dietary treatment of an inherited  
28 metabolic disease, but does not include a natural food that is naturally  
29 low in protein; and "medical food" means a food that is intended for  
30 the dietary treatment of a disease or condition for which nutritional  
31 requirements are established by medical evaluation and is formulated  
32 to be consumed or administered enterally under direction of a  
33 physician.

34 The benefits shall be provided to the same extent as for any other  
35 medical condition under the contract.

36 The provisions of this section shall apply to all contracts in which  
37 the medical service corporation has reserved the right to change the  
38 premium.

39

40 3. No group or individual health service corporation contract  
41 providing hospital or medical expense benefits shall be delivered,  
42 issued, executed or renewed in this State, or approved for issuance or  
43 renewal in this State by the Commissioner of Banking and Insurance  
44 on or after the effective date of this act, unless the contract provides  
45 benefits to each person covered thereunder for expenses incurred in  
46 the therapeutic treatment of inherited metabolic diseases, including the

1 purchase of medical foods and low protein modified food products,  
2 when diagnosed and determined to be medically necessary by the  
3 covered person's physician.

4 For the purposes of this section, "inherited metabolic disease"  
5 means a disease caused by an inherited abnormality of body chemistry  
6 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
7 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
8 product" means a food product that is specially formulated to have less  
9 than one gram of protein per serving and is intended to be used under  
10 the direction of a physician for the dietary treatment of an inherited  
11 metabolic disease, but does not include a natural food that is naturally  
12 low in protein; and "medical food" means a food that is intended for  
13 the dietary treatment of a disease or condition for which nutritional  
14 requirements are established by medical evaluation and is formulated  
15 to be consumed or administered enterally under direction of a  
16 physician.

17 The benefits shall be provided to the same extent as for any other  
18 medical condition under the contract.

19 The provisions of this section shall apply to all contracts in which  
20 the health service corporation has reserved the right to change the  
21 premium.

22

23 4. No individual health insurance policy providing hospital or  
24 medical expense benefits shall be delivered, issued, executed or  
25 renewed in this State, or approved for issuance or renewal in this State  
26 by the Commissioner of Banking and Insurance on or after the  
27 effective date of this act, unless the policy provides benefits to each  
28 person covered thereunder for expenses incurred in the therapeutic  
29 treatment of inherited metabolic diseases, including the purchase of  
30 medical foods and low protein modified food products, when  
31 diagnosed and determined to be medically necessary by the covered  
32 person's physician.

33 For the purposes of this section, "inherited metabolic disease"  
34 means a disease caused by an inherited abnormality of body chemistry  
35 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
36 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
37 product" means a food product that is specially formulated to have less  
38 than one gram of protein per serving and is intended to be used under  
39 the direction of a physician for the dietary treatment of an inherited  
40 metabolic disease, but does not include a natural food that is naturally  
41 low in protein; and "medical food" means a food that is intended for  
42 the dietary treatment of a disease or condition for which nutritional  
43 requirements are established by medical evaluation and is formulated  
44 to be consumed or administered enterally under direction of a  
45 physician.

46 The benefits shall be provided to the same extent as for any other

1 medical condition under the policy.

2 The provisions of this section shall apply to all policies in which the  
3 insurer has reserved the right to change the premium.

4

5 5. No group health insurance policy providing hospital or medical  
6 expense benefits shall be delivered, issued, executed or renewed in this  
7 State, or approved for issuance or renewal in this State by the  
8 Commissioner of Banking and Insurance on or after the effective date  
9 of this act, unless the policy provides benefits to each person covered  
10 thereunder for expenses incurred in the therapeutic treatment of  
11 inherited metabolic diseases, including the purchase of medical foods  
12 and low protein modified food products, when diagnosed and  
13 determined to be medically necessary by the covered person's  
14 physician.

15 For the purposes of this section, "inherited metabolic disease"  
16 means a disease caused by an inherited abnormality of body chemistry  
17 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
18 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
19 product" means a food product that is specially formulated to have less  
20 than one gram of protein per serving and is intended to be used under  
21 the direction of a physician for the dietary treatment of an inherited  
22 metabolic disease, but does not include a natural food that is naturally  
23 low in protein; and "medical food" means a food that is intended for  
24 the dietary treatment of a disease or condition for which nutritional  
25 requirements are established by medical evaluation and is formulated  
26 to be consumed or administered enterally under direction of a  
27 physician.

28 The benefits shall be provided to the same extent as for any other  
29 medical condition under the policy.

30 The provisions of this section shall apply to all policies in which the  
31 insurer has reserved the right to change the premium.

32

33 6. No individual health benefits plan subject to the provisions of  
34 P.L.1992, c.161 (C.17B:27A-2 et seq.) shall be delivered, issued,  
35 executed or renewed in this State, or approved for issuance or renewal  
36 in this State on or after the effective date of this act, unless the health  
37 benefits plan provides benefits to each person covered thereunder for  
38 expenses incurred in the therapeutic treatment of inherited metabolic  
39 diseases, including the purchase of medical foods and low protein  
40 modified food products, when diagnosed and determined to be  
41 medically necessary by the covered person's physician.

42 For the purposes of this section, "inherited metabolic disease"  
43 means a disease caused by an inherited abnormality of body chemistry  
44 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
45 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
46 product" means a food product that is specially formulated to have less

1 than one gram of protein per serving and is intended to be used under  
2 the direction of a physician for the dietary treatment of an inherited  
3 metabolic disease, but does not include a natural food that is naturally  
4 low in protein; and "medical food" means a food that is intended for  
5 the dietary treatment of a disease or condition for which nutritional  
6 requirements are established by medical evaluation and is formulated  
7 to be consumed or administered enterally under direction of a  
8 physician.

9 The benefits shall be provided to the same extent as for any other  
10 medical condition under the health benefits plan.

11 The provisions of this section shall apply to all health benefits plans  
12 in which the carrier has reserved the right to change the premium.

13

14 7. No small employer health benefits plan subject to the provisions  
15 of P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be delivered, issued,  
16 executed or renewed in this State, or approved for issuance or renewal  
17 in this State on or after the effective date of this act, unless the health  
18 benefits plan provides benefits to each person covered thereunder for  
19 expenses incurred in the therapeutic treatment of inherited metabolic  
20 diseases, including the purchase of medical foods and low protein  
21 modified food products, when diagnosed and determined to be  
22 medically necessary by the covered person's physician.

23 For the purposes of this section, "inherited metabolic disease"  
24 means a disease caused by an inherited abnormality of body chemistry  
25 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
26 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
27 product" means a food product that is specially formulated to have less  
28 than one gram of protein per serving and is intended to be used under  
29 the direction of a physician for the dietary treatment of an inherited  
30 metabolic disease, but does not include a natural food that is naturally  
31 low in protein; and "medical food" means a food that is intended for  
32 the dietary treatment of a disease or condition for which nutritional  
33 requirements are established by medical evaluation and is formulated  
34 to be consumed or administered enterally under direction of a  
35 physician.

36 The benefits shall be provided to the same extent as for any other  
37 medical condition under the health benefits plan.

38 The provisions of this section shall apply to all health benefits plans  
39 in which the carrier has reserved the right to change the premium.

40

41 8. Notwithstanding any provision of law to the contrary, a  
42 certificate of authority to establish and operate a health maintenance  
43 organization in this State shall not be issued or continued by the  
44 Commissioner of Health and Senior Services on or after the effective  
45 date of this act unless the health maintenance organization provides  
46 health care services to each enrollee for the therapeutic treatment of

1 inherited metabolic diseases, including the purchase of medical foods  
2 and low protein modified food products, when diagnosed and  
3 determined to be medically necessary by the enrollee's physician.

4 For the purposes of this section, "inherited metabolic disease"  
5 means a disease caused by an inherited abnormality of body chemistry  
6 <sup>1</sup>[and includes those diseases]<sup>1</sup> for which testing is mandated pursuant  
7 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food  
8 product" means a food product that is specially formulated to have less  
9 than one gram of protein per serving and is intended to be used under  
10 the direction of a physician for the dietary treatment of an inherited  
11 metabolic disease, but does not include a natural food that is naturally  
12 low in protein; and "medical food" means a food that is intended for  
13 the dietary treatment of a disease or condition for which nutritional  
14 requirements are established by medical evaluation and is formulated  
15 to be consumed or administered enterally under direction of a  
16 physician.

17 The health care services shall be provided to the same extent as for  
18 any other medical condition under the contract.

19 The provisions of this section shall apply to all contracts for health  
20 care services by health maintenance organizations under which the  
21 right to change the schedule of charges for enrollee coverage is  
22 reserved.

23

24 <sup>2</sup>9. The State Health Benefits Commission shall provide benefits to  
25 each person covered under the State Health Benefits Program for the  
26 therapeutic treatment of inherited metabolic diseases, including the  
27 purchase of medical foods and low protein modified food products,  
28 when diagnosed and determined to be medically necessary by the  
29 covered person's physician.

30 For the purposes of this section, "inherited metabolic disease"  
31 means a disease caused by an inherited abnormality of body chemistry  
32 for which testing is mandated pursuant to P.L.1977, c.321 (C.26:2-  
33 110 et seq.); "low protein modified food product" means a food  
34 product that is specially formulated to have less than one gram of  
35 protein per serving and is intended to be used under the direction of  
36 a physician for the dietary treatment of an inherited metabolic disease,  
37 but does not include a natural food that is naturally low in protein; and  
38 "medical food" means a food that is intended for the dietary treatment  
39 of a disease or condition for which nutritional requirements are  
40 established by medical evaluation and is formulated to be consumed or  
41 administered enterally under direction of a physician.

42 The health care services shall be provided to the same extent as for  
43 any other medical condition under the program.<sup>2</sup>

1       <sup>2</sup>[9.] 10.<sup>2</sup> This act shall take effect immediately.

2

3

4

5

6 Mandates health insurance coverage for foods and food products for

7 inherited metabolic diseases.