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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3889

02/15/2024 Authored by Hicks, Freiberg and Hemmingsen-Jaeger
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
03/11/2024 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health insurance; requiring coverage for amino acid-based elemental
1.3 formula; amending Minnesota Statutes 2022, section 256B.0625, subdivision 32;
1.4 proposing coding for new law in Minnesota Statutes, chapter 62Q.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 62Q.524 AMINO ACID-BASED FORMULA COVERAGE.

1.7 Subdivision 1. Definition. (a) For purposes of this section, the following term has the
1.8 meaning given.

1.9 (b) "Formula" means an amino acid-based elemental formula.

1.10 Subd. 2. Required coverage. A health plan company must provide coverage for formula
1.11 when formula is medically necessary.

1.12 Subd. 3. Covered conditions. Conditions for which formula is medically necessary
1.13 include but are not limited to:

1.14 (1) cystic fibrosis;

1.15 (2) amino acid, organic acid, and fatty acid metabolic and malabsorption disorders;

1.16 (3) IgE mediated allergies to food proteins;

1.17 (4) food protein-induced enterocolitis syndrome;

1.18 (5) eosinophilic esophagitis;

1.19 (6) eosinophilic gastroenteritis;

1.20 (7) eosinophilic colitis; and

2.1 (8) mast cell activation syndrome.

2.2 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to health
2.3 plans offered, issued, or sold on or after that date.

2.4 Sec. 2. Minnesota Statutes 2022, section 256B.0625, subdivision 32, is amended to read:

2.5 Subd. 32. **Nutritional products.** Medical assistance covers nutritional products needed
2.6 for nutritional supplementation because solid food or nutrients thereof cannot be properly
2.7 absorbed by the body or needed for treatment of phenylketonuria, hyperlysinemia, maple
2.8 syrup urine disease, a combined allergy to human milk, cow's milk, and soy formula, or
2.9 any other childhood or adult diseases, conditions, or disorders identified by the commissioner
2.10 as requiring a similarly necessary nutritional product. Medical assistance covers amino
2.11 acid-based elemental formulas in the same manner as is required under section 62Q.524.
2.12 Nutritional products needed for the treatment of a combined allergy to human milk, cow's
2.13 milk, and soy formula require prior authorization. Separate payment shall not be made for
2.14 nutritional products for residents of long-term care facilities. Payment for dietary
2.15 requirements is a component of the per diem rate paid to these facilities.