

**Sixty-second Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2067  
(Human Services Committee)  
(At the request of the State Department of Health)

AN ACT to amend and reenact section 23-01-03.1, subsection 3 of section 25-17-00.1, and sections 25-17-01, 25-17-03, and 25-17-04 of the North Dakota Century Code, relating to newborn disease screening and research regarding metabolic and genetic diseases.

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

**SECTION 1. AMENDMENT.** Section 23-01-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-03.1. Newborn metabolic and genetic disease screening tests.**

The health council may authorize the use of newborn metabolic and genetic disease screening tests, as provided for in chapter 25-17, for research purposes. The council shall adopt rules to ensure that the results are used for legitimate research purposes and to ensure that the confidentiality of the newborns and their families is protected.

**SECTION 2. AMENDMENT.** Subsection 3 of section 25-17-00.1 of the North Dakota Century Code is amended and reenacted as follows:

3. "Metabolic disease" ~~means~~ and "genetic disease" mean a disease as designated by rule of the state health council for which early identification and timely intervention will lead to a significant reduction in mortality, morbidity, and associated disabilities.

**SECTION 3. AMENDMENT.** Section 25-17-01 of the North Dakota Century Code is amended and reenacted as follows:

**25-17-01. Newborn screening education programs and tests.**

The state department of health shall:

1. Develop and implement a metabolic and genetic disease educational program among physicians, hospital staffs, public health nurses, and the citizens of this state. This educational program must include information about the nature of the diseases and about screening for the early detection of these diseases so that proper measures may be taken to reduce mortality, morbidity, and associated disabilities.
2. Provide, on a statewide basis, a newborn screening system and short-term followup services for metabolic and genetic diseases.
3. Coordinate with or refer individuals to public and private health care service providers for long-term followup services for metabolic diseases or genetic diseases, or both.

**SECTION 4. AMENDMENT.** Section 25-17-03 of the North Dakota Century Code is amended and reenacted as follows:

**25-17-03. Treatment for positive diagnosis - Registry of cases.**

The state department of health shall:

1. Follow up with attending physicians cases with positive tests for metabolic diseases or genetic diseases, or both, in order to determine the exact diagnosis.

2. Refer every diagnosed case of a metabolic disease or genetic disease, or both, to a qualified health care provider for necessary treatment ~~of the metabolic disease.~~
3. Maintain a registry of cases of metabolic and genetic diseases.
4. Provide medical food at no cost to males under age twenty-two and females under age forty-five who are diagnosed with phenylketonuria or maple syrup urine disease, regardless of income. If treatment services under this subsection are provided to an individual by the department, the department may seek reimbursement from any government program that provides coverage to that individual for the treatment services provided by the department.
5. Offer for sale at cost medical food to females age forty-five and over and to males age twenty-two and over who are diagnosed with phenylketonuria or maple syrup urine disease, regardless of income. These individuals are responsible for payment to the department for the cost of medical food.
6. Provide low-protein modified food products, if medically necessary as determined by a qualified health care provider, to females under age forty-five and males under age twenty-two who are receiving medical assistance and are diagnosed with phenylketonuria or maple syrup urine disease.

**SECTION 5. AMENDMENT.** Section 25-17-04 of the North Dakota Century Code is amended and reenacted as follows:

**25-17-04. Testing and reporting requirements.**

The physician attending a newborn child, or the birth attendant in the case of an out-of-hospital birth, shall provide the parents with written information regarding the nature of the proposed testing and then cause that newborn child to be subjected to testing for metabolic and genetic diseases, in the manner prescribed by the state department of health. A physician attending a patient with a metabolic disease or genetic disease, or both, shall report the case to the state department of health. The testing requirements of this section do not apply if the parents of a newborn child object to the testing ~~on the grounds that testing for metabolic diseases conflicts with their religious tenets or practices.~~

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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 Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2067.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 87            Nays 5            Absent 2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2011,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State