

*Submitted electronically*

April 22, 2025

The Honorable Denise Tepler  
Chair  
Committee on Environment and  
Natural Resources  
3 State House Station  
Augusta, ME 04333

The Honorable Victoria Doudera  
Chair  
Committee on Environment and  
Natural Resources  
3 State House Station  
Augusta, ME 04333

**Re: Testimony in Support of LD 1423: An Act to Improve Recycling by Updating the Stewardship Program for Packaging**

The Healthcare Nutrition Council (HNC) is providing comments in support of LD 1423, “An Act to Improve Recycling by Updating the Stewardship Program for Packaging.” HNC supports the exemption of medical foods<sup>1</sup> and oral nutritional supplements (ONS). HNC is an association representing manufacturers<sup>2</sup> of enteral nutrition (EN) formulas and oral nutrition supplements (ONS), including those categorized as medical foods, and parenteral nutrition (PN). Our mission is to improve patient outcomes by advancing nutrition policies and actions that raise awareness and optimize access for people that require or benefit from advanced and specialized nutrition.

HNC supports the language providing an exemption for medical foods and ONS. Medical foods and ONS are often medically necessary and thus prescribed by a healthcare provider, provide sole-source nutrition for vulnerable populations, and may be paid for by government programs such as Medicare and Medicaid. The products are regulated differently than other foods and beverages and are frequently prescribed by a healthcare provider to serve a specific purpose when nutrition needs cannot be met through other foods. These specialized nutrition products often use specialized packaging to protect their quality and safety as well as ensure nutrient delivery throughout product shelf life. Such unique needs limit the types of packaging materials available that meet the products’ strict manufacturing and safety requirements. Exempting medical foods and ONS from this legislation helps ensure patients and families continue to have access to affordable nutrition products that are life-sustaining and provide required nutrition to promote health and wellbeing.

Thank you for including exemptions for medical foods and ONS and ensuring patients and families can have continued access to affordable specialized nutrition products. If you have any questions, please contact Peter Sahagian, Healthcare Nutrition Council, at [psahagian@healthcarenutrition.org](mailto:psahagian@healthcarenutrition.org) or 202-207-1120.

Sincerely,



Carla Saunders  
Executive Director

CC: Environment and Natural Resources Committee

<sup>1</sup> A **medical food** as defined in section 5(b)(3) of the Orphan Drug Act. 21 USC 360ee(b)(3): “a food which is formulated to be consumed or administered **enterally** under the **supervision of a physician** and which is intended for the specific **dietary management of a disease or condition** for which **distinctive nutritional requirements**, based on recognized scientific principles, are established by **medical evaluation**.”

<sup>2</sup> HNC members are Abbott Nutrition, Nestle Health Science, and Nutricia North America.