



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	Senate File 404	House Committee:	PASSED 3/23/17 (18-0)
Committee:	Human Resources	House Floor:	
Floor Manager:	Rep. Salmon	Senate Floor:	PASSED 3/14/17 (49-0)
Date:	April 10, 2017	Governor:	
Staff:	Carrie Malone (5-2063)		

Right to Try

- The bill allows manufacturers of investigational drugs, biological products, or devices to make available investigational drugs to eligible patients with terminal illnesses as long as they are provided with written informed consent.

Section by Section Analysis

Section 1 - New Section - Title

This chapter shall be known as the Right to Try Act.

Section 2 - New Section - Definitions

The bill defines “eligible patient,” “investigational drug,” “terminal illness,” and “written informed consent.”

Section 3 - New Section - Manufacturer Rights

Manufacturers are able to provide an investigational drug, biological product, or device to an eligible patient without receiving compensation. However, the manufacturer can require the eligible patient to pay the costs of the drug.

Section 4 - New Section - Treatment Coverage

This section makes it clear that this bill does not include an insurance mandate. The chapter does not require any government agency to pay the costs for experimental treatment. Health plans or government agencies can pay for the costs related to the drug if they choose.

Section 5 - New Section - Heirs Not Liable for Treatment Debts

If a patient dies while being treated by an investigational drug, the patient’s heirs are not liable for any outstanding debt related to the treatment.

Section 6 - New Section - Provider Recourse

The Board of Medicine shall not revoke, fail to renew, suspend, or take any action against a physician’s license based only on the physician’s recommendations to a patient regarding treatment with an investigational drug.

Section 7 - New Section - State Interference

This section prohibits state officials or employees from blocking an eligible patient's access to an investigational drug.

Section 8 - New Section - Private Cause of Action

This chapter shall not create a private cause of action against a manufacturer or an investigational drug or against any person or entity involved in the care of an eligible patient using the investigational drug if the manufacturer or entity is acting in good faith with the terms of this chapter.

Amendment Analysis

H-1258 by Salmon: This amendment clarifies the bill does not allow physician-assisted suicide.