HOUSE RESEARCH

Bill Summary

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Subject: Right to Try Act

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Overview

This bill creates the Right to Try Act. The act allows certain eligible patients with a terminal illness to use investigation drugs, biological products, or devices that are not approved by the Food and Drug Administration but have completed phase 1 of a clinical trial. The act specifies eligibility requirements, and, among other things, states that health insurance, private or public, is not required to cover the cost of these products.

Section

1 **Investigational drug use.** Adds § 151.375.

Subd. 1. Title; citation. States this section may be cited as the "Right to Try Act."

Subd. 2. Definitions. Defines terms.

Subd. 3. Eligibility. Provides requirements a patient must meet in order to access an investigational drug, biological product, or device under this section. Requires a physician to document in writing that a patient, among other things, has a terminal illness and has given written informed consent.

Subd. 4. Availability. Allows, but specifically does not require, a manufacturer of an investigational drug, biological product, or device to make those products available to eligible patients.

Section

Subd. 5. Costs. Allows a manufacturer to provide an investigation drug, biological product or device without receiving compensation and allows a manufacturer to require a patient to pay associated costs.

Subd. 6. Professional licensing. Prohibits a health-related licensing board from taking disciplinary action against a health care provider solely based on the licensee providing a prescription or recommendation under this section.

Subd. 7. Coverage. States that this section is not requiring health insurance in various forms to cover costs of an investigational drug, biological product, or device.

Subd. 8. Liability. States that this section does not create a separate private cause of action against a health care provider or entity involved in the care of an eligible patient for any harm done to the patient as a result of using the investigational drug, biological product or device, so long as the provider or entity complies with this section.

Subd. 9. Exception. States this section does not apply to a person committed to the custody of the commissioner of corrections, unless the department's medical director approves the investigational drug, biological product, or device.

Subd. 10. Severability. States that if any section or its application is held to be invalid, it shall not affect any other provision of the section.

2 **Investigational drugs, biological products, and devices.** Amends § 256B.0625 by adding subdivision 64. States that medical assistance and the early periodic screening, diagnosis, and treatment program do not cover costs incidental to, associated with, or resulting from investigational drug use under section 1.