HOUSE RESEARCH

Bill Summary

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Overview

This bill creates the Right to Try Act. The act allows certain eligible patients with a terminal disease 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 disease 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.

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.

Section

Subd. 6. Insurance coverage. States that this section is not requiring private health insurance or a state health care program to cover costs of an investigational drug, biological product, or device.

Subd. 7. Professional licensing. Prohibits a health-related licensing board from taking disciplinary action against a licensee solely based on the licensee providing a prescription or recommendation under this section.

Subd. 8. Penalty. Provides that any official, employee, or agent of the state of Minnesota shall be guilty of a misdemeanor for attempting to block or blocking access of an eligible patient to an investigational drug, biological product, or device.

Subd. 9. Severability. States that if any section or its application is held to be invalid, it shall not affect any other provision of the section.