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Testimony

Senate Minority Leader Pro Tempore Kevin Witkos
Public Health Public Hearing
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H.B. No. 5270 AN ACT CONCERNING THE RIGHT TO TRY EXPERIMENTAL DRUGS

Senator Gerratana, Representative Ritter, Senator Markley, Representative Srinivasan and distinguished members of the Public Health Committee, thank you for the opportunity to share testimony in support of H.B. No. 5270 AN ACT CONCERNING THE RIGHT TO TRY EXPERIMENTAL DRUGS. When facing a life threatening disease, I believe we have to do our best to remove barriers to treatment, even if that treatment is not the most obvious, popular or relied upon solution.

Similar to legislation proposed last year which garnered bipartisan support, the proposed bill before the state legislature would allow patients to receive treatment with an investigational drug, biological product or device once specific conditions are met. Investigational drugs and products are treatments that have completed phase 1 of a clinical trial, but have not yet completed the FDA approval.

A patient who is terminally ill would become eligible for such treatment if they have considered all other FDA approved treatment options, if they've been unable to participate in a clinical trial within 100 miles of their home, and if they receive approval from their physician.

Prior to treatment, a doctor must also certify that these conditions are met and the patient must give informed consent. Their consent must indicate that they understand the following:

- The risks, including best and worst case scenarios.
- The patient's health insurer and provider are not responsible to pay for any care or treatments caused by problems that could stem from the investigational drug.
- The patient is liable for all costs associated with treatment, unless a contract between the patient and the drug manufacturer says otherwise.

A major concern some manufacturers and doctors have expressed is that they could be held liable if something goes wrong with an experimental treatment. Therefore, final legislation should reflect protections for both drug manufacturers and doctors – so long as they act in good faith and their advice is consistent with medical standards.

The "right to try" is about hope. It's about treatment and empowerment. It's about helping people fight for their lives when they have nowhere else to turn. Thank you for raising this bill and for the opportunity to testify in support of this measure.