HLS 17RS-290 ORIGINAL

2017 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 18

BY REPRESENTATIVES STEVE CARTER AND STOKES

CONGRESS: Memorializes the United States Congress to pass the Trickett Wendler Right to Try Act of 2017

A CONCURRENT RESOLUTION

2	To memorialize the United States Congress to pass the Trickett Wendler Right to Try Act
3	of 2017.
4	WHEREAS, state legislatures across the United States have passed measures known
5	as "Right to Try" laws authorizing access by terminally ill patients to investigational drugs
6	and other potentially life-saving methods of treatment; and
7	WHEREAS, as of the date of filing of this Resolution, at least thirty-three U.S. states,
8	including Louisiana, have established a Right to Try law; and
9	WHEREAS, Louisiana's Right to Try law, enacted through House Bill No. 891 (Act
0	No. 346) of the 2014 Regular Session, sets forth the following legislative findings:
1	(1) The process of approval for investigational drugs, biological products, and
12	devices in the United States often takes many years.
13	(2) A terminally ill patient does not have the luxury of waiting for an investigational
4	drug, product, or device to receive final approval from the U.S. Food and Drug
15	Administration (FDA); and
16	WHEREAS, this law (R.S. 40:1169.1 et seq.) provides that, subject to certain
17	conditions, terminally ill patients in Louisiana are authorized to use drugs, biological
18	products, and devices that have successfully completed phase one of an FDA-approved
19	clinical trial but which remain under investigation in the clinical trial process and have not
20	yet been approved by the FDA for general use; and

1 WHEREAS, the Trickett Wendler Right to Try Act of 2017 has been introduced in 2 the One Hundred Fifteenth United States Congress as S. 204 and would codify in federal law 3 the essential provisions of the Right to Try laws of Louisiana and other states; and 4 WHEREAS, a key function of this legislation is to bar the federal government from prohibiting or restricting the production, manufacture, distribution, prescribing, or 5 6 dispensing of an experimental drug, biological product, or device that is intended to treat a 7 terminally ill patient and is authorized by and in accordance with state law; and 8 WHEREAS, the Trickett Wendler Right to Try Act of 2017 and the Right to Try law 9 of Louisiana affirm the fundamental right of a patient with a terminal illness to attempt to 10 preserve his own life by accessing available investigational drugs, biological products, and 11 devices; and that the decision to pursue such a course of treatment is one that rightfully 12 should be made by a terminally ill patient in consultation with his physician, and not by the 13 government. 14 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 15 memorialize the United States Congress to pass the Trickett Wendler Right to Try Act of 16 2017. 17 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 18 presiding officers of the Senate and the House of Representatives of the Congress of the 19 United States of America and to each member of the Louisiana congressional delegation.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 18 Original

2017 Regular Session

Steve Carter

Memorializes the U. S. Congress to pass the Trickett Wendler Right to Try Act of 2017 (S. 204) providing relative to access by terminally ill patients to investigational methods of treatment.