

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 18

BY REPRESENTATIVES STEVE CARTER AND STOKES

A CONCURRENT RESOLUTION

To memorialize the United States Congress to pass the Trickett Wendler Right to Try Act of 2017.

WHEREAS, state legislatures across the United States have passed measures known as "Right to Try" laws authorizing access by terminally ill patients to investigational drugs and other potentially life-saving methods of treatment; and

WHEREAS, as of the date of filing of this Resolution, at least thirty-three U.S. states, including Louisiana, have established a Right to Try law; and

WHEREAS, Louisiana's Right to Try law, enacted through House Bill No. 891 (Act No. 346) of the 2014 Regular Session, sets forth the following legislative findings:

(1) The process of approval for investigational drugs, biological products, and devices in the United States often takes many years.

(2) A terminally ill patient does not have the luxury of waiting for an investigational drug, product, or device to receive final approval from the U.S. Food and Drug Administration (FDA); and

WHEREAS, this law (R.S. 40:1169.1 et seq.) provides that, subject to certain conditions, terminally ill patients in Louisiana are authorized to use drugs, biological products, and devices that have successfully completed phase one of an FDA-approved clinical trial but which remain under investigation in the clinical trial process and have not yet been approved by the FDA for general use; and

WHEREAS, the Trickett Wendler Right to Try Act of 2017 has been introduced in the One Hundred Fifteenth United States Congress as S. 204 and would codify in federal law the essential provisions of the Right to Try laws of Louisiana and other states; and

WHEREAS, a key function of this legislation is to bar the federal government from prohibiting or restricting the production, manufacture, distribution, prescribing, or dispensing of an experimental drug, biological product, or device that is intended to treat a terminally ill patient and is authorized by and in accordance with state law; and

WHEREAS, the Trickett Wendler Right to Try Act of 2017 and the Right to Try law of Louisiana affirm the fundamental right of a patient with a terminal illness to attempt to preserve his own life by accessing available investigational drugs, biological products, and devices; and that the decision to pursue such a course of treatment is one that rightfully should be made by a terminally ill patient in consultation with his physician, and not by the government.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to pass the Trickett Wendler Right to Try Act of 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE