DIGEST

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HB 232 Original 2016 Regular Session Stokes

Abstract: Amends the Right To Try Act to provide a limitation of liability for manufacturers of investigational drugs, biological products, or devices prescribed to certain terminally ill patients; and for any person or entity involved in the care of such patients.

Present law known as the "Right To Try Act" authorizes the prescription of investigational drugs, biological products, and devices to certain terminally ill patients who have given informed written consent to investigational treatment and who meet other criteria necessary to be deemed "eligible patients" pursuant to present law. Proposed law retains present law.

Present law provides that a physician who prescribes an investigational drug, biological product, or device to an eligible patient shall be immune from civil liability - including but not limited to causes of action arising under present law relative to medical malpractice - for any adverse action, condition, or other outcome resulting from the patient's use of the investigational drug, biological product, or device.

Proposed law retains present law, and adds thereto provisions stipulating that nothing in present law shall be construed as creating a cause of action by or on behalf of any person against a manufacturer of an investigational drug, biological product, or device, or against any person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device, for any harm done to the eligible patient resulting from the investigational treatment.

(Amends 40:1169.5)