SUBJECT: Allowing a manufacturer to charge for an investigational treatment

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Zedler

0 nays

1 absent — Oliverson

WITNESSES: For — Karen Sloan; (*Registered, but did not testify*: Rick Hardcastle, Celltex Therapeutics; V.A. Stephens, Michelle Wittenburg, and Adam Jones, KK125 Foundation; Coleman Hemphill and Sheila Hemphill, Texas Right To Know; and 14 individuals)

Against — None

On —David Bales, Texans for Cures; (*Registered, but did not testify*: Jonathan Huss, Department of State Health Services)

BACKGROUND: In 2015, the 84th Legislature enacted HB 21 by Kacal, the "Right to Try Act," to allow patients with certain terminal illnesses to access certain investigational drugs, biological products, and devices that were being used in a clinical trial. Health and Safety Code, sec. 489.053(c) requires a manufacturer that makes an investigational drug available to an eligible patient under the Right to Try Act to provide the investigational drug without receiving compensation.

Interested observers say that access to and use of investigational drugs, biological products, or devices has been limited following the enactment of the Right to Try Act due to the requirement that the manufacturer not charge the patient for this treatment.

DIGEST: HB 3236 would allow a manufacturer to require a terminally ill patient who was eligible to receive an investigational drug, biological product, or

device to pay the costs of, or the costs associated with, that drug.

The bill would take effect September 1, 2017, and would apply only to an investigational drug, biological product, or device provided to an eligible patient on or after that date.