Ohio House of Representatives

State Representative Robert Cole Sprague
83rd House District

State Representative Marlene Anielski
6th House District

Sponsor Testimony
House Bill 290
Health and Aging Committee
October 14, 2015

Chair Gonzalez, Vice Chair Huffman, Ranking Member Antonio, and members of the Health and Aging Committee, thank you for giving us the opportunity to offer sponsor testimony on House Bill 290. House Bill 290 is Ohio's Right to Try legislation.

Annually, millions of Americans suffer from a terminal illness. Although there are some alternative ways to try new treatments, access to new and potentially life-saving treatment is limited. Clinical trials are somewhat rare and qualifying to participate can be extremely difficult. The United States Food and Drug Administration offers an expanded access program, which allows terminally ill individuals to access investigational medications, but there are only about 1,000 annual participants. The program has an extensive application process that most individuals cannot successfully complete. For example, extensive amounts of paperwork have to be completed. In addition to required manufacturer paperwork, the program requires physicians to complete an application that can take about 100 hours. Most physicians do not have the time and resources to complete this phase of the application process. Furthermore, once all potential questions are answered, the Food and Drug Administration has up to a month to review applications. Following this step, if an application is approved by the United States Food and Drug Administration, the Institutional Review Board has to approve the application. This part of the process can also take up to thirty days. The federal government has started an effort to shorten the expanded access application process, but it is still currently the same.

In response to these barriers, we have introduced House Bill 290. House Bill 290 will allow Ohioans that are suffering from a terminal illness to have increased access to investigational drugs, biological products, or devices that have passed Phase I of a United States Food and Drug Administration clinical trial and are still being considered for full approval. After exhausting all approved treatment options, or if none of the treatments are satisfactory or comparable, treating physicians and their patients will have the opportunity to utilize an investigational drug. Before

beginning treatment, the legislation requires informed consent and treatment information to be presented to patients or individuals that are legally responsible for them. Furthermore, House Bill 290 provides certain protections for parties that will be involved in the treatment process.

Over a year ago, when we started drafting the language for House Bill 290, we were only aware of four other states that were actively working on similar bills. To date, there have been 24 states that have passed this type of legislation; 19 of these states passed a Right to Try bill in their most recent legislative sessions. The language in House Bill 290 includes all of the main components of Right to Try legislation in other states. Right to Try legislation is meant to increase access to potentially life-saving treatments that can save or improve the lives of terminally ill individuals.

This year, the American Cancer Society is predicting an estimated total of 1,658,370 new cancer cases and 589,430 cancer-related deaths. Cancer is one of many devastating terminal illnesses that individuals and their families are struggling to fight. Due to limited access to other treatment options, House Bill 290 might give some Ohioans an opportunity to live another day.

Thank you for your time and consideration. We will be happy to answer any questions that the committee might have.