ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB804

Hearing Date: Thursday February 11, 2016
Committee On: Health and Human Services
Introducer: Hilkemann
One Liner: Adopt the Investigational Drug Use Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe
Nay:		
Absent:		
Present Not Voting:		

Verbal Testimony:

Proponents:	**Representing:**
Senator Robert Hilkemann	District 4
Kim Robak	NMA, Nebraska Oncology Association
Opponents:	**Representing:**
Neutral:	**Representing:**

Summary of purpose and/or changes:
Creates the Investigational Drug Use Act.
Creates a list of criteria to make patients eligible under the Act including having an advanced illness, having considered all other treatment options, recommendation from the treating physician, and informed consent for the use of an investigational drug. Allows manufacturers of investigational drugs, biological products, or devices to make the treatment available to patients. Clarifies that compensation is not required from the patient. Relieves the patient from outstanding debts if the patient dies during treatment.
Disallows professional boards from taking action against a health care provider based solely on the provider's recommendation of the use of an investigational drug, biological product, or device, to a patient. Disallows a medicare certification entity from taking action against a provider's medicare certification.
Makes a treating physician in compliance with the Act immune from arrest, prosecution, penalty, or denial of any right.
Disallows any state employee or agent from blocking a patient's access to an investigational drug, biological product, or device. Excepts counseling or advice from a licensed health care provider.
Clarifies this Act does not create a private right of action against a manufacturer of an investigational drug, biological product, or device or against those involved in the care of patient using such for any harm done to the patient when the manufacturer or person or entity has complied in good faith with the act and exercised reasonable care.

Explanation of amendments:
AM2791 to LB804 makes changes to limit the application of the Act to terminally ill patients, to limit liability to doctors and hospitals, to narrow the immunity provision for doctors complying with the Act, and to remove language likely to exacerbate litigation.
Replaces references to "medicare" with "medicaid".

Kathy Campbell, Chairperson