

1 SENATE BILL NO. 353

2 INTRODUCED BY K. BOGNER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE RIGHT TO TRY ACT; LIMITING THE
5 TREATMENT OF MINORS WHO HAVE A TERMINAL ILLNESS WITH AN INVESTIGATIONAL DRUG,
6 BIOLOGICAL PRODUCT, OR DEVICE; AND AMENDING SECTION 50-12-104, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 50-12-104, MCA, is amended to read:

11 **"50-12-104. Patient requirements.** (1) A patient is eligible for treatment with an investigational drug,
12 biological product, or device if the patient has:

13 ~~(1)~~(a) considered all other treatment options currently approved by the United States food and drug
14 administration;

15 ~~(2)~~(b) received a recommendation from the patient's treating health care provider for an
16 investigational drug, biological product, or device;

17 ~~(3)~~(c) given written informed consent for the use of the investigational drug, biological product, or
18 device; and

19 ~~(4)~~(d) documentation from the treating health care provider that the patient meets the requirements of
20 this section.

21 (2) A minor is not eligible for treatment with an investigational drug, biological product, or device
22 unless the minor has a terminal illness that is attested to by the minor's treating health care provider."

23 - END -