



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5649 (Substitute H-1 as reported without amendment)

Sponsor: Representative Nancy Jenkins

House Committee: Health Policy

Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to provide that a health care provider's recommendation or treatment provided under the proposed Right to Try Act, and a health facility's cooperation in such treatment, would not be grounds for disciplinary action by the Department of Licensing and Regulatory Affairs, except in the case of gross negligence or willful misconduct.

The bill would define "gross negligence" as conduct so reckless as to demonstrate a substantial lack of concern for whether serious injury to a person would result. "Willful misconduct" would mean conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise reasonable care to prevent a known danger.

The bill is tie-barred to Senate Bill 991, which would create the "Right to Try Act" to provide for access by an eligible patient (i.e., a patient who has an advanced illness) to drugs, biological products, and medical devices not yet approved by the U.S. Food and Drug Administration for general use.

Proposed MCL 333.16221a & 333.20165a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 9-26-14

Fiscal Analyst: Josh Sefton