

SB0222S01 compared with SB0222

~~{Omitted text}~~ shows text that was in SB0222 but was omitted in SB0222S01

inserted text shows text that was not in SB0222 but was inserted into SB0222S01

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1

Right to Try Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Tyler Clancy

2

LONG TITLE

General Description:

3 This bill amends provisions related to when a patient may obtain and use investigational drugs and
4 devices to treat an illness.

Highlighted Provisions:

5 This bill:

- 6 ▶ allows a patient to obtain an investigational drug or device in additional circumstances; and
- 7 ▶ ~~{ removes the requirement that a patient have a terminal illness to access an investigational~~
8 ~~drug; and }~~
- 9 ▶ amends the definition regarding the forms a medicine may take.

Money Appropriated in this Bill:

10 None

Other Special Clauses:

11 None

Utah Code Sections Affected:

12 AMENDS:

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18 **58-85-102** , as last amended by Laws of Utah 2025, Chapter 114

19

20 *Be it enacted by the Legislature of the state of Utah:*

21 Section 1. Section **58-85-102** is amended to read:

22 **58-85-102. Definitions.**

As used in this chapter:

25 (1) "Eligible illness" means a condition of a patient that ~~{, as determined by a physician}~~ :

26 (a) ~~{is likely to pose a significant risk to the patient when compared to the}~~ as determined by a
physician, presents a substantial and severely debilitating or life-threatening risk ~~{posed}~~ to the
patient ~~{by treatment with an investigational drug or investigational device}~~ ; and

28 (b) presents the patient, after the patient has explored conventional therapy options, with ~~{limited~~
~~}~~ no treatment ~~{options}~~ option that ~~{are}~~ is satisfactory or comparable to treatment with an
investigational drug or investigational device.

31 (2) "Eligible patient" means an individual who has been diagnosed with ~~{a terminal{}}~~ an eligible
illness or eligible illness by a physician.

33 ~~{(2)}~~ (3) "Insurer" means the same as that term is defined in Section 31A-1-301.

34 ~~{(3)}~~ (4) "Investigational device" means a device that:

35 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; ~~[and]~~

36 (b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an
investigational device described in 21 C.F.R. Part 812~~[;]~~ ; and

37 (c) if used to treat an eligible illness, is currently undergoing an investigation, as defined in 21 C.F.R.
Sec. 812.3, that complies with all applicable requirements for the investigation in accordance with
21 C.F.R. Part 812.

38 ~~{(4)}~~ (5) "Investigational drug" means a drug that:

39 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; ~~[and]~~

40 (b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an
investigational new drug described in 21 C.F.R. Part 312~~[;]~~ ; and

44 (c) if used to treat an eligible illness, is currently undergoing a clinical investigation, as defined in 21
C.F.R. Sec. 312.3, that complies with all applicable requirements for the clinical investigation in
accordance with 21 C.F.R. Part 312.

42 ~~{(5)}~~ (6) "Medicinal dosage form" means:

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- 43 (a) a tablet;
- 44 (b) a capsule;
- 45 (c) a concentrated oil;
- 46 (d) a ~~{liquid}~~ suspension formulation;
- 47 (e) a transdermal preparation; or
- 48 (f) a sublingual preparation.
- 49 [(6)] (7) "Physician" means an individual who is licensed under:
- 50 (a) Title 58, Chapter 67, Utah Medical Practice Act; or
- 51 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- 52 [(7)] (8) {"Terminal illness" means a condition of a patient that:}
- 53 {(a)}
- (i) {as determined by a physician:}
- 54 [(i)] (A) {is likely to pose a greater risk to the patient than the risk posed to the patient by treatment
with an investigational drug or investigational device; and}
- 56 [(ii)] (B) {will inevitably lead to the patient's death; } [and]
- 57 {(b)} } or
- 62 (ii) as determined by a physician who is a board certified oncologist, is cancer; and
- 63 (b) presents the patient, after the patient has explored conventional therapy options, with no treatment
option that is satisfactory or comparable to treatment with an investigational drug or device. { }
- 66 Section 2. **Effective date.**
Effective Date.
This bill takes effect on May 6, 2026.

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