

SB0222S02 compared with SB0222S01

~~{Omitted text}~~ shows text that was in SB0222S01 but was omitted in SB0222S02

inserted text shows text that was not in SB0222S01 but was inserted into SB0222S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Right to Try Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Chris H. Wilson
House Sponsor: Tyler Clancy



2

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ allows a patient to obtain an investigational drug or device in additional circumstances; ~~{and}~~
- 11 ▶ amends the definition regarding the forms a medicine may take~~{-}~~ ; and
- 11 ▶ creates a reporting requirement for manufacturers.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

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

SB0222S01

SB0222S01 compared with SB0222S02

19 ENACTS:

20 **58-85-107 , Utah Code Annotated 1953**

21

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

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

24 **58-85-102. Definitions.**

As used in this chapter:

24 (1) "Eligible illness" means a condition of a patient that:

25 (a) as determined by a physician, presents a substantial and severely debilitating or life-threatening risk
to the patient; and

27 (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 investigational
device.

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

32 [~~(2)~~] (3) "Insurer" means the same as that term is defined in Section 31A-1-301.

33 [~~(3)~~] (4) "Investigational device" means a device that:

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

35 (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.

40 [~~(4)~~] (5) "Investigational drug" means a drug that:

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

42 (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.

47 [~~(5)~~] (6) "Medicinal dosage form" means:

SB0222S01 compared with SB0222S02

- 48 (a) a tablet;
- 49 (b) a capsule;
- 50 (c) a concentrated oil;
- 51 (d) a liquid [~~suspension~~] formulation;
- 52 (e) a transdermal preparation; or
- 53 (f) a sublingual preparation.
- 54 [(6)] (7) "Physician" means an individual who is licensed under:
- 55 (a) Title 58, Chapter 67, Utah Medical Practice Act; or
- 56 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- 57 [(7)] (8) "Terminal illness" means a condition of a patient that:
- 58 (a)
- (i) as determined by a physician:
- 59 [(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
- 61 [(ii)] (B) will inevitably lead to the patient's death; [~~and~~] 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.
- 68 Section 2. Section 2 is enacted to read:
- 69 **58-85-107. Report.**
- 70 (1) If a manufacturer of an investigational drug or investigational device provides an investigational
drug or investigational device to a patient located in the state to treat an eligible illness, the
manufacturer shall report the information described in Subsection (2) to the Health and Human
Services Interim Committee before the November 1 that follows the day the drug or device was
provided to the patient.
- 75 (2) The report shall include the following information:
- 76 (a) the number of patients that received an investigational drug or investigational device to treat an
eligible illness;
- 78 (b) each eligible illness being treated;
- 79 (c) adverse outcomes likely attributable to the investigational drug or investigational device; and
- 81 (d) any other information the manufacturer determines relevant.

SB0222S01 compared with SB0222S02

82 (3) Subsection (1) does not apply if the patient receiving the device or drug was part of an investigation
conducted under 21 C.F.R. Part 812 or a clinical investigation conducted under 21 C.F.R. Part 312.

85 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-23-26 9:55 AM