Right to Try Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill amends provisions related to when a patient may use investigational drugs to treat an illness.

Highlighted Provisions:

This bill:

- allows a patient to obtain an investigational drug in additional circumstances;
- removes the requirement that a patient have a terminal illness to access an investigational drug; and
- amends the definition regarding the forms a medicine may take.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

58-85-102 . Definitions.

As used in this chapter:

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

(a) is likely to pose a significant risk to the patient when compared to the risk posed to the patient by treatment with an investigational drug or investigational device; and

(b) presents the patient, after the patient has explored conventional therapy options, with limited treatment options that are satisfactory or comparable to treatment with an investigational drug or device.

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

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

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

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

(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.

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

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

(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.

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

(a) a tablet;

(b) a capsule;

(c) a concentrated oil;

(d) a [~~liquid suspension~~] formulation;

(e) a transdermal preparation; or

(f) a sublingual preparation.

[~~(6)~~] (7) "Physician" means an individual who is licensed under:

(a) Title 58, Chapter 67, Utah Medical Practice Act; or

(b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

[~~(7) "Terminal illness" means a condition of a patient that:~~]

[~~(a) as determined by a physician:~~]

[~~(i) 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~~]

[~~(ii) will inevitably lead to the patient's death; and~~]

[~~(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.~~]

Section 2. **Effective Date.**

This bill takes effect on May 6, 2026.