

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
304-35 (COR)	Louise B. Muña	AN ACT TO ADD A NEW ARTICLE 26 TO PART 2, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING ACCESS TO AND USE OF EXPERIMENTAL TREATMENTS FOR PATIENTS WITH AN ADVANCED ILLNESS; TO ESTABLISH CONDITIONS FOR USE OF EXPERIMENTAL TREATMENT; TO PROHIBIT SANCTIONS OF HEALTH CARE PROVIDERS SOLELY FOR RECOMMENDING OR PROVIDING EXPERIMENTAL TREATMENT; TO CLARIFY DUTIES OF A HEALTH INSURER WITH REGARD TO EXPERIMENTAL TREATMENT AUTHORIZED UNDER THIS ACT; TO PROHIBIT CERTAIN ACTIONS BY PUBLIC OFFICIALS, EMPLOYEES, AND AGENTS; AND TO RESTRICT CERTAIN CAUSES OF ACTION ARISING FROM EXPERIMENTAL TREATMENT. THIS ACT IS KNOWN AS THE "RIGHT TO TRY ACT."	2/24/20 9:30 a.m.					Waiver: 3/3/20	

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

March 3, 2020

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Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Fiscal Note Waiver on Bill No. 304 – 35 (COR).

Buenas yan Håfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 304-35 (COR).

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

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FEB 28 2020

Senator Régine Biscoe Lee
Chairperson, Committee on Rules
I Mina 'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai! Senator Biscoe Lee:

The Bureau requests that Bill No(s). 304-35 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The intent of this legislative Bill is to locally legislate the federally enacted, "Right to Try" legislation that was signed into law by President Trump in May of 2018. There are currently 41 states which have enacted this legislation locally. This proposed legislation is to provide additional treatment options to terminally ill persons, involving eligible investigational drugs, biological products, or devices.

Based on the legislative requirements of this Act, following provisions are noted:

1. There are no mandates for either the Department of Public Health and Social Services (DPHSS) or the Guam Memorial Hospital Authority (GMHA) to manage this proposed new program;
2. Doctors at medical facilities are the point of recommendation for such services as needed in the absence of other available medical treatments;
3. Manufacturers of investigational drugs, biological products, or devices are not mandated to provide such drugs, products or devices; but they may choose to provide such items to patients;
4. Patients' health plan or third-party administrators are not obligated to pay for any care or treatment of services for the use of such investigational drugs, biological products, or devices unless required by law;
5. Patients are responsible for all expenses resulting from the use of investigational drugs, biological products, or devices used in their behalf.
6. This Act does not expand the coverage required of an insurer under Division 2 of Title 22, Guam Code Annotated;

7. A health plan, third party administrator, or government agency is not required to cover the cost of investigational drugs, biological products, or devices; but they may provide coverage; and
8. This Act does not require any governmental agency to pay cost associated with the use, care, or treatment of a patient with an investigational drugs, biological products, or devices.

Given the above referred provisions, there is no fiscal impact to the government-wide FY 2020 health plan of Government of Guam which is administered by the Department of Administration (DOA). There are also no fiscal impacts of the FY 2020 appropriations to the DPHSS and GMHA. Therefore, this proposed legislation is virtuously administrative in nature.

Si Yu'os Ma'ase,


LESTER L. CARLSON, JR.