

**House File 2010 - Introduced**

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**A BILL FOR**

1 An Act relating to experimental treatments for terminally ill  
2 persons, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144E.2, subsection 1, paragraphs a, c,  
2 and e, Code 2022, are amended to read as follows:

3 a. Has a terminal illness, attested to by ~~the patient's~~ a  
4 treating physician, or is receiving mechanical ventilation to  
5 prolong life.

6 c. Has received a recommendation from ~~the individual's~~ a  
7 physician for an investigational drug, biological product, or  
8 device.

9 e. Has documentation from ~~the individual's~~ a physician that  
10 the individual meets the requirements of **this subsection.**

11 Sec. 2. Section 144E.2, subsection 2, Code 2022, is amended  
12 to read as follows:

13 2. "*Investigational drug, biological product, or device*"  
14 means a any of the following:

15 a. A drug, biological product, or device that has  
16 successfully completed phase 1 of a United States food and drug  
17 administration-approved clinical trial but has not yet been  
18 approved for general use by the United States food and drug  
19 administration and remains under investigation in a United  
20 States food and drug administration-approved clinical trial.

21 b. An off-label use of a drug.

22 Sec. 3. Section 144E.2, Code 2022, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 2A. "*Off-label use of a drug*" means  
25 the legal, prescribed use of a drug in a manner different  
26 from that described on the United States food and drug  
27 administration-approved drug label, including the use of a  
28 drug for a different disease or medical condition or giving  
29 a drug at a different dose or through a different route of  
30 administration other than that approved by the United States  
31 food and drug administration.

32 Sec. 4. Section 144E.2, subsection 4, unnumbered paragraph  
33 1, Code 2022, is amended to read as follows:

34 "*Written informed consent*" means a written document that  
35 is signed by the patient, a parent of a minor patient, or a

1 legal guardian or other legal representative of the patient and  
2 attested to by ~~the patient's~~ a treating physician and a witness  
3 and that includes all of the following:

4 Sec. 5. Section 144E.2, subsection 4, paragraphs b and d,  
5 Code 2022, are amended to read as follows:

6 b. An attestation that the patient concurs with ~~the~~  
7 ~~patient's~~ a treating physician in believing that all products  
8 and treatments approved by the United States food and drug  
9 administration are unlikely to prolong the patient's life.

10 d. A description of the best and worst potential outcomes  
11 of using the investigational drug, biological product, or  
12 device and a realistic description of the most likely outcome.  
13 The description shall include the possibility that new,  
14 unanticipated, different, or worse symptoms might result  
15 and that death could be hastened by use of the proposed  
16 investigational drug, biological product, or device. The  
17 description shall be based on ~~the~~ a treating physician's  
18 knowledge of the proposed investigational drug, biological  
19 product, or device in conjunction with an awareness of the  
20 patient's condition.

21 Sec. 6. Section 144E.9, Code 2022, is amended to read as  
22 follows:

23 **144E.9 Assisting suicide.**

24 This chapter shall not be construed to allow a ~~patient's~~  
25 ~~treating~~ physician to assist ~~the~~ a patient in committing or  
26 attempting to commit suicide as prohibited in [section 707A.2](#).

27 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate  
28 importance, takes effect upon enactment.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill relates to experimental treatments for terminally  
33 ill persons.

34 The bill expands the definition of "eligible patient" to  
35 include a person who is receiving mechanical ventilation to

1 prolong life. The bill also expands the definition of an  
2 "investigational drug, biological product, or device" to  
3 include the off-label use of a drug as defined in the bill.

4 The bill replaces the current required involvement of the  
5 patient's physician or the patient's treating physician to  
6 instead require involvement from a physician or a treating  
7 physician to fulfill certain duties.

8 The bill takes effect upon enactment.