Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. H.B. 290

131st General Assembly
(H. Health & Aging)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 0255-1)
Treatment with investigational drugs, products, and devices	Applies the bill's treatment provisions to patients who have a "terminal illness," which is defined as a condition that (1) is caused by a disease, illness, or injury from which an individual is unlikely to recover without treatment, (2) is irreversible and incurable by a method of treatment approved by the U.S. Food and Drug Administration (FDA), and (3) appears likely to cause death within 12 months based on reasonable medical standards and a reasonable degree of medical certainty *(R.C. 4731.96(A)(5))*.	Instead, applies the bill's treatment provisions to patients who have a "terminal condition," which is defined as any of the following conditions if irreversible, incurable, and untreatable through an FDA-approved method of treatment: (1) progressive forms of cancer, (2) progressive neurological disorders, (3) progressive musculoskeletal disorders, and (4) other conditions that, based on reasonable medical standards and a reasonable degree of medical certainty, appear likely to cause death within a reasonable period of time that is relatively short but does not exceed 12 months *(R.C. 4731.96(A)(6))*.
Physician determinations	No provision.	Provides that, in order to be an eligible patient under the bill, an individual's treating physician and one other physician who has examined the individual must determine that the individual has a

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		terminal condition *(R.C. 4731.96(B)(1)(a))*.
Physician attestation	No provision.	Provides that, in order to be an eligible patient, an individual's treating physician must attest that the investigational drug, product, or device represents the individual's best chance at survival *(R.C. 4731.96(B)(1)(c))*.
Patients with access to clinical trials	No provision.	Excludes an otherwise eligible patient from being eligible under the bill if a clinical trial using the investigational drug, product, or device is actively being conducted within the individual's county of residence or an adjoining county, unless the individual applied for participation but was denied access to the trial *(R.C. 4731.96(B)(2))*.
Revocation of consent to treatment	No provision.	Authorizes an eligible patient, or the patient's parent, guardian, or other person legally responsible for the patient, to revoke consent to treatment with an investigational drug, product, or device at any time and in any manner that communicates the revocation *(R.C. 4731.96(C)(3)).*
Health care benefit exclusions	Specifies that the bill does not require an insurer or government health care program to provide coverage regarding an investigational drug, product, or device *(R.C. 4731.96(E))*. Authorizes a private or public health care insurer to exclude coverage for the recipient of an investigational drug,	Same, but expressly provides that the Medicaid program is not required to provide coverage *(R.C. 4731.96(G))*. No provision.

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	product, or device for a period of not more than six months, except for preexisting conditions and previously commenced benefits *(R.C. 1739.05, 1751.671, and 3923.851)*.	
Restrictions on the possession, purchase, distribution, and sale of investigational drugs and products	No provision.	Modifies existing law provisions that place restrictions on the possession, purchase, distribution, and sale of dangerous drugs by also placing those restrictions (which generally require state licensure) on the possession, purchase, distribution, and sale of investigational drugs and products *(R.C. 4729.51)*.
Discipline against a terminal distributor license	Provides that a terminal distributor of dangerous drugs that distributes an investigational drug, product, or device in accordance with the bill is not subject to any action related to its terminal distributor of dangerous drugs license for acts or omissions related to that distribution, except for willful or wanton misconduct *(R.C. 4729.88(C)(2))*.	No provision.
Manufacturer exclusion from prohibition against selling at retail, possessing for sale at retail, and possessing dangerous drugs	Excludes a manufacturer of dangerous drugs that provides an investigational drug, product, or device to a treating physician or eligible patient from existing law that generally prohibits persons without appropriate licenses from selling at retail, possessing for sale at retail, and possessing dangerous drugs *(R.C. 4729.51(C)(4))*.	No provision.

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Prohibition on state interference	Prohibits an official, employee, or agent of the state from preventing or attempting to prevent access by an eligible patient or the patient's treating physician to an investigational drug, product, or device that is provided in accordance with the bill's requirements *(R.C. 4729.89)*.	Same, but states that the prohibition applies only to preventing access solely because the investigational drug, product, or device has not been approved for general use by the FDA *(R.C. 4731.96(E))*.
Assisted suicide	No provision.	States that nothing in the bill condones, authorizes, or approves of assisted suicide or any action that is considered mercy killing or euthanasia *(R.C. 4731.96(H))*.
Definition of physician	No provision.	Clarifies that podiatrists are not included as "treating physicians" by defining "physician" as an individual authorized under Ohio law to practice medicine and surgery or osteopathic medicine and surgery *(R.C. 4731.96(A)(5))*.

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