STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 933 By: Stanley

COMMITTEE SUBSTITUTE

An Act relating to health care; creating the Right to Try for Individualized Treatments Act; providing short title; defining terms; authorizing individualized investigational treatments for eligible patients; making act voluntary for manufacturers; providing certain authorities to eligible facilities; limiting effect of act; making coverage voluntary for payors; granting certain immunities from civil liability; granting certain protections to health care providers; prohibiting certain acts by state entities; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3092.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Right to Try for Individualized Treatments Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3092.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Eligible facility" means an institution that is operating under a Federalwide Assurance (FWA) for the Protection of Human Subjects under 42 U.S.C., Section 289(a) and 45 C.F.R., Part 46. An eligible facility is subject to the FWA laws, regulations, policies, and guidelines including renewals or updates;

2. "Eligible patient" means an individual who meets all of the following conditions:

a. has a life-threatening or severely debilitating illness, attested to by the patient's treating physician,

b. has considered all other treatment options currently approved by the United States Food and Drug Administration,

c. has received a recommendation from his or her physician for an individualized investigational treatment, based on analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products such as enzymes and other types of proteins, or metabolites,

d. has given written, informed consent for the use of the individualized investigational treatment, and

e. has documentation from his or her physician that he or she meets the requirements of this paragraph;

3. "Individualized investigational treatment" means drugs, biological products, or devices that are unique to and produced exclusively for use for an individual patient, based on the patient's own genetic profile. Individualized investigational treatment includes, but is not limited to, individualized gene therapy antisense oligonucleotides (ASO) and individualized neoantigen vaccines; and

4. "Written, informed consent" means a written document that is signed by the patient; parent, if the patient is a minor; legal guardian; or patient advocate designated by the patient, and attested to by the patient's physician and a witness and that, at a minimum, includes:

a. an explanation of the currently approved products and treatments for the disease or condition from which the patient suffers,

b. an attestation that the patient concurs with his or her physician in believing that all currently approved and conventionally recognized treatments are unlikely to prolong the patient's life,

c. clear identification of the specific proposed individualized investigational treatment that the patient is seeking to use,

d. a description of the potentially best and worst outcomes of using the individualized investigational treatment and a realistic description of the most likely outcome. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and that death could be hastened by the proposed treatment. The description shall be based on the physician's knowledge of the proposed treatment in conjunction with an awareness of the patient's condition,

e. a statement that the patient's health plan or third-party administrator and provider are not obligated to pay for any care or treatments consequent to the use of the individualized investigational treatment, unless specifically required by law or contract,

f. a statement that the patient's eligibility for hospice care may be withdrawn if the patient begins curative treatment with the individualized investigational treatment and that care may be reinstated if this treatment ends and the patient meets hospice eligibility requirements, and

g. a statement that the patient understands that he or she is liable for all expenses consequent to the use of the individualized investigational treatment and that this liability extends to the patient's estate, unless a contract between the patient and the manufacturer of the individualized investigational treatment states otherwise.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3092.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A manufacturer operating within an eligible facility and pursuant to all applicable Federalwide Assurance (FWA) laws and regulations may make available an individualized investigational treatment and an eligible patient may request an individualized investigational treatment from an eligible facility or manufacturer operating within an eligible facility under this act. This act does not require that a manufacturer make available an individualized investigational treatment to an eligible patient.

B. An eligible facility or manufacturer operating within an eligible facility may:

1. Provide an individualized investigational treatment to an eligible patient without receiving compensation; and

2. Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the individualized investigational treatment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3092.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act does not:

1. Expand the coverage required of an insurer under the Oklahoma Insurance Code;

2. Require any governmental agency to pay costs associated with the use, care, or treatment of a patient with an individualized investigational treatment;

3. Require a hospital or facility licensed by this state to provide new or additional services, unless approved by the hospital or facility; or

4. Affect any mandatory health care coverage for participation in clinical trials under the Oklahoma Insurance Code.

B. A health plan, third-party administrator, or governmental agency may, but is not required to, provide coverage for the cost of an individualized investigational treatment, or the cost of services related to the use of an individualized investigational treatment under this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3092.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. If a patient dies while being treated by an individualized investigational treatment, the patient's heirs are not liable for any outstanding debt related to the treatment or lack of insurance due to the treatment.

B. This act does not create a private cause of action against a manufacturer of an individualized investigational treatment or against any other person or entity involved in the care of an eligible patient using the individualized investigational treatment for any harm done to the eligible patient resulting from the individualized investigational treatment, if the manufacturer or other person or entity is complying in good faith with the terms of this act and has exercised reasonable care.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3092.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A licensing board shall not revoke, fail to renew, suspend, or take any action against a health care provider's license based solely on the health care provider's recommendations to an eligible patient regarding access to or treatment with an individualized investigational treatment. An entity responsible for Medicare certification shall not take action against a health care provider's

Medicare certification based solely on the health care provider's recommendation that a patient have access to an individualized investigational treatment.

B. An official, employee, or agent of this state shall not block or attempt to block an eligible patient's access to an individualized investigational treatment. Counseling, advice, or a recommendation consistent with medical standards of care from a licensed health care provider is not a violation of this subsection.

SECTION 7. This act shall become effective November 1, 2026.

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