

Testimony of Representative Andy Biggs (Member of Congress)

October 3, 2017

Hearing: Examining Patient Access to Investigational Drugs

House Energy and Commerce Subcommittee on Health

Chairman Burgess, Ranking Member Green, and other members of the Committee: thank you for allowing me the opportunity to address you today.

I am here this morning along with my friend and colleague, Representative Brian Fitzpatrick, to fight for passage of the Right to Try Act. While I had come to this hearing expecting our legislation to be front-and-center in this discussion on expanded access to medications, I am disappointed to see that this is not the case. In fact, the bill I introduced with Mr. Fitzpatrick in February—which now has dozens of bipartisan cosponsors, including Members in this room today—is cited as an afterthought on the roster of hearing documents. I am, however, pleased that Senator Ron Johnson’s bill will be discussed. As the Committee may know, Senator Johnson’s bill passed the Senate by unanimous consent. Anyone who understands the arcane procedures of that chamber can attest that this is no mean feat. I am strongly supportive of Mr. Johnson’s efforts: he has been a tireless advocate of Right to Try for years.

I won’t take up a great deal of this Committee’s time elaborating on the virtues of the bill Representative Fitzpatrick and I introduced, because, frankly, very little explanation is necessary. Fundamentally, our legislation allows terminally ill patients who have no further options left—I

repeat that: no further options left—the opportunity to try experimental drugs that could save their own lives.

Yes, there are also provisions in our bill to protect both the patients themselves and the pharmaceutical companies who want to participate, but those provisions are secondary to its primary purpose. The primary purpose of our Right to Try Act is to give brave patients across this country some choice over their own destinies when all other avenues are gone.

We should all share the same goal of doing everything we can for patients fighting to save their lives. I have no doubt that the intentions of everyone in this room are good. So what are we waiting for? Why isn't this Committee doing everything possible to get Right to Try passed out of Congress and on to President Trump's desk?

Certainly the status quo isn't the answer. We will hear claims today from the FDA and other agency officials that their own Expanded Access program is working and continues to improve. There may be some truth to that, and I am sure that Commissioner Gottlieb works tirelessly to help as many terminal patients as he can. But that program is simply not enough.

I know this, because I have talked to dozens and dozens of patients, family members, and advocates who tell me it is not enough. They come to my office, they call me on the phone, they write me impassioned letters.

These same advocates have ensured that Right to Try has become law in 37 states. Think about that for a moment. With one more state you could ratify a constitutional amendment.

In half of these 37 states, Right to Try laws passed with unanimous support, and in my home state of the Arizona, voters approved this initiative with nearly 80 percent of the popular vote. At a time when pundits are claiming that our politics are broken, that Republicans and Democrats can't come together on anything, here's a cause that Americans of all political stripes believe in.

I myself was first introduced to Right to Try while serving in the Arizona State Legislature. It was back then that I got to know Laura Knaperek. Laura was also serving in the Legislature when I first met her, but by 2014 she was no longer a legislator; she was an advocate. That year, Laura was in the fight of her life against ovarian cancer, and her mission was to see Right to Try passed into law. In the end, her efforts for this cause succeeded beyond everyone's wildest expectations. Unfortunately, Laura is no longer with us—she lost her brave battle with cancer last year—but her legacy as a tireless patient advocate lives on.

I will continue to carry on the fight not just for Laura Knaperek, but for all those brave patients across this country who are battling against the odds every day. I fight for Bertrand Might, I fight for Jordan McLinn, I fight for Matt Bellina—who is testifying today—and I fight for the countless other patients who deserve a right to try. We must act without further delay.

Thank you again for the opportunity to testify today.