



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
 (803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number: H. 4542 As signed by the Governor on June 3, 2016
Author: McKnight
Subject: Experimental Health Care Treatment Law
Requestor: House of Representatives
RFA Analyst(s): Stein
Impact Date: July 13, 2016

Estimate of Fiscal Impact

	FY 2016-17	FY 2017-18
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Explanation of Fiscal Impact

Explanation of Amendment by the Senate on May 26, 2016

State Expenditure

The bill as amended amends Title 44 by adding Chapter 137 creating The Right to Try Act. The amended bill is essentially the same as the original except for the following substantive changes. Terminal illness replaces advanced illness, and the definition provides that death will result without life-sustaining procedures, eliminating the time requirement of within six months. An eligible patient must not only consider but must also exhaust all other treatment options. Informed consent still requires attestation by the treating physician, but a witness is no longer required.

The Department of Health and Environmental Control previously reported that the original bill would not have an expenditure impact on the General Fund, Federal Funds, or Other Funds. The amendment does not change the original bill in a way to create an expenditure impact.

State Revenue

N/A

Local Expenditure and Local Revenue

N/A

Explanation of Bill Filed January 12, 2016

State Expenditure

This bill amends Title 44 by adding Chapter 65 relating to Experimental Health Care Treatment. The bill establishes definitions and procedures by which a patient with an advanced (terminal) illness, upon a doctor's recommendation, may receive investigational drugs from a manufacturer. Insurers are not required to expand coverage to include such drugs and the cost of obtaining the drugs is solely the responsibility of the patient and his estate. However, manufacturers may provide the drug at no cost. The bill requires the patient to sign a consent form containing specified information and prohibits punitive actions against participants in these transactions. The bill further provides that heirs of the deceased are not liable for any outstanding debt related to the treatment or lack of insurance for the treatment.

The Department of Health and Environmental Control reports that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director