



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

May 21, 2018

Congresswoman Carol Shea-Porter
United State House of Representatives
Washington, DC 20515

Congresswoman Annie Kuster
United States House of Representatives
Washington, DC 20515

Dear Congresswoman Shea-Porter and Congresswoman Kuster,

As you know, last summer the United States Senate passed federal right-to-try legislation by unanimous consent. In March of this year, the House passed its own version with broad bipartisan support. While it is encouraging that both chambers clearly understand the importance of this legislation, the bill has been stuck in an unfortunate impasse. I write to you today because it appears that the House and Senate are on the verge of resolving those differences and I respectfully ask you to help end the gridlock and support the final bill to give terminally ill patients the hope they both need and deserve. These patients and their families have no more time to waste.

Working across party lines, forty states – including New Hampshire – have passed right-to-try legislation, some with unanimous consent of their legislatures. But federal legislation is needed to provide our laws with real thrust. Though our laws remove some state level regulatory burdens, stakeholders can be reluctant to provide access or to administer experimental treatment due to concerns of federal liability. A federal law will ensure the FDA and other federal agencies do not interfere with the implementation of state laws. Federal legislation would also help patients unable to travel to a right-to-try state.

Last week, I led a group of governors from across the nation in support of right-to-try laws to aid tens of thousands of patients facing a terminal diagnosis who stand to benefit from right-to-try legislation, as it would expand to them access to experimental treatments that have passed FDA's safety standards but have not yet met the requisite efficacy standards. Currently, the FDA can take up to 15 years to approve a new drug available to the general public. In many instances, drugs awaiting final approval were proven safe years earlier. Patients who would benefit from federal right-to-try legislation are fighting to save their lives – they don't have the time to wait for Washington regulators to act.

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: <http://www.governor.nh.gov/> • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

When Matt Bellina, a U.S. Navy veteran, husband and father of two, was diagnosed with ALS, his life was changed forever. There is no cure for ALS, and Matt is unable to access investigational treatments that show promise due to FDA regulations. Facing what amounts to a death sentence, Matt is not allowed to potentially save his own life.

Reflected in the strong, bipartisan support that right-to-try has earned across the country, expanding access to potentially life-saving treatment and medication is simply the right thing to do. Importantly it can be done in a way that does not shift health policy precedent or undermine patient safety standards. Tens of thousands of patients and their families are counting on Congress to move this legislation forward. President Trump stands ready to sign it into law.

Now is the time for the House and Senate to resolve whatever issues are stalling this process and get this bill passed. I understand compromises must be reached to ensure patients who use this pathway continue to have access to hospice and insurance coverage and how best to incentivize companies through liability protections to expand access to their experimental treatments. However, these issues are not insurmountable and can be resolved quickly. I respectfully urge you to pass right-to-try legislation. Terminally ill patients and their families deserve nothing less.

Sincerely,



Christopher T. Sununu
Governor