

TO: **RESOLUTION**- Members of the New York State Assembly urges Congress to allow terminally-ill patients access to experimental, non-FDA approved drugs.

**SUMMARY OF PROVISIONS:**

**WHEREAS**, The Constitution of the United States declares citizens have a right to 'self-preservation' as The Declaration of Independence also maintains that citizens 'are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness--- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.'

And presently, Americans concur that terminally-ill patients are considered citizens endowed these unalienable rights from their government;

**WHEREAS**, There have been federal lawsuits such as Abigail Alliance v. von Eschenbach that have questioned the constitutional right of terminally ill patient medical care;

**WHEREAS**, A three-judge panel of the United States Court Of Appeals deduced that terminally ill, mentally competent adults with no alternative to government-approved treatment have a constitutional right to potential "life preserving" medication. Barring terminally ill patients to utilize investigational drugs infringes upon the 'right of self- preservation;'

**WHEREAS**, Many Americans believe it is the personal right of a doctor and patient to determine whether an experimental drug should be used on said patient, and not that of the federal bureaucracy.

**WHEREAS**, experimental drugs have the potential of saving terminally-ill citizens' lives if only they were available therefore, be it

**RESOLVED**, By the Assembly and Senate of the State of New York, jointly, that the Legislature of the State of New York respectfully memorializes the Congress of the United States to propose All terminally-ill patients, independent of age, race, gender, sexual orientation or previous medical treatment plans that may not abide by standard treatment regimens the FDA requires in experimental use, are to be granted access to disease appropriate experimental drugs that individual doctor(s) deem fit to their individual patient(s). A patient's consent of said drug is determined in the same manner as if it were any other FDA-approved drug, and be it further;

**RESOLVED**, That the Chief Clerk of the Assembly transmits copies of this resolution to the speaker of the House of Representatives, the President Pro-Tempore of the United States Senate, and to each Senator and representatives from New York in the Congress.