

Senate Bill No. 1093

CHAPTER 70

An act to amend Section 3502.5 of the Penal Code, relating to prisoners.

[Approved by Governor July 5, 1995. Filed with Secretary of State July 6, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, Marks. Prisoners: medical care.

Existing law authorizes a physician who provides medical care to prisoners to provide a prisoner patient with a drug or treatment available only through a treatment protocol or investigational new drug, in accordance with specified federal regulations, if the physician determines that access to that drug is in the best medical interest of the patient and the patient consents. Under existing law, that provision is repealed as of January 2, 1996.

This bill would delete that repeal date.

The people of the State of California do enact as follows:

SECTION 1. Section 3502.5 of the Penal Code is amended to read:

3502.5. (a) Notwithstanding Section 3502, any physician who provides medical care to prisoners may provide a patient who is a prisoner with a drug or treatment available only through a treatment protocol or treatment IND (investigational new drug), as defined in Section 312 of Title 21 of the Code of Federal Regulations, if the physician determines that access to that drug is in the best medical interest of the patient, and the patient has given informed consent under Section 3521.

(b) Notwithstanding any other provision of law, neither a public entity nor a public employee shall be liable for any injury caused by the administration of a drug pursuant to subdivision (a), where the administration is made in accordance with a treatment IND or a treatment protocol as defined in Section 312 of Title 21 of the Code of Federal Regulations.

