

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1491

By: Stanley

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5  
6 AS INTRODUCED

7 An Act relating to sexually transmitted infections;  
8 amending 63 O.S. 2021, Section 1-522, which relates  
9 to treatment without prescription; providing certain  
10 exception; defining terms; authorizing provision of  
11 expedited partner therapy under certain conditions;  
12 requiring provision of certain counseling; providing  
13 certain protections from civil liability and  
14 disciplinary action; specifying information to be  
15 included in certain materials; authorizing  
16 promulgation of rules; providing for codification;  
17 and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-522, is  
20 amended to read as follows:

21 Section 1-522. ~~It~~ Except as provided in Section 2 of this act,  
22 it shall be unlawful for any dealer to treat or offer to treat any  
23 infected person, or to sell, furnish or give to any infected person,  
24 or to any other person whomsoever, any medicines of any kind that  
25 may be advertised or used for treatment of (STI), before requiring  
such person to produce and file with such dealer a proper  
prescription for such medicine, issued and signed by a physician,

1 which prescription shall be by the dealer kept on file for a period  
2 of one (1) year from the date of the person receiving the same, and  
3 subject, at all reasonable hours, to the inspection of the State  
4 Commissioner of Health or local health officer.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-522.1 of Title 63, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. As used in this section:

9 1. "Expedited partner therapy" means to prescribe, administer,  
10 dispense, or otherwise provide antimicrobial drugs to a sexual  
11 partner of a patient clinically diagnosed by a healthcare provider  
12 as infected with a sexually transmitted infection without a physical  
13 examination of such sexual partner; and

14 2. "Healthcare provider" means an allopathic physician,  
15 osteopathic physician, physician assistant, or Advanced Practice  
16 Registered Nurse licensed in this state and authorized to prescribe  
17 drugs.

18 B. 1. Subject to limitations provided by law or rule including  
19 but not limited to laws or rules governing scope of practice,  
20 supervision, or delegation of a healthcare provider, a healthcare  
21 provider who clinically diagnoses a patient with a sexually  
22 transmitted infection may provide expedited partner therapy if, in  
23 the professional judgment of the healthcare provider, the patient's  
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1 sexual partner is unlikely or unable to present for examination,  
2 testing, and treatment.

3 2. A healthcare provider who provides expedited partner therapy  
4 shall provide counseling to the patient, including distributing  
5 written materials developed and provided by the State Department of  
6 Health to be given by the patient to the patient's sexual partner.

7 3. A healthcare provider shall use expedited partner therapy  
8 only for a patient's sexual partner who may have been exposed to a  
9 sexually transmitted infection within sixty (60) days immediately  
10 prior to the patient's clinical diagnosis and who is able to be  
11 contacted and identified by the patient.

12 C. 1. No healthcare provider or pharmacist shall be liable for  
13 civil damages resulting from any act or omission in good faith  
14 compliance with the provisions of this section, including civil  
15 damages for refusing to provide expedited partner therapy, other  
16 than an act or omission constituting gross negligence or willful or  
17 wanton misconduct.

18 2. No healthcare provider or pharmacist shall be subject to  
19 disciplinary action by the provider's or pharmacist's licensing  
20 board on the basis of an act or omission in good faith compliance  
21 with the provisions of this section, other than an act or omission  
22 constituting gross negligence or willful or wanton misconduct.

1 D. The Department shall include the following information in  
2 written materials developed and provided for distribution as  
3 required by paragraph 2 of subsection B of this section:

4 1. A warning that a woman who is pregnant or might be pregnant  
5 should not take certain antibiotics and should immediately contact a  
6 healthcare provider for an examination;

7 2. Information about the antimicrobial drug and dosage provided  
8 or prescribed, including a warning that a sexual partner who has a  
9 history of allergy to the drug or the pharmaceutical class of drug  
10 should not take the drug and should immediately contact a healthcare  
11 provider for examination;

12 3. Information about the treatment and prevention of the  
13 sexually transmitted infection;

14 4. The requirement of sexual abstinence until a period of time  
15 after treatment to prevent infecting other sexual partners;

16 5. Notification of the importance of the sexual partners  
17 receiving examination and testing for human immunodeficiency virus  
18 and other sexually transmitted infections and information about  
19 available resources;

20 6. Notification of the risk to the patient, the patient's  
21 sexual partner, and the general public if the sexually transmitted  
22 infection is not completely and successfully treated;

23 7. The responsibility of the sexual partner to inform the  
24 sexual partner's own sexual partners of the risk of sexually  
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1 transmitted infections and the importance of prompt examination and  
2 treatment by a healthcare provider; and

3 8. Such other information deemed necessary by the State  
4 Commissioner of Health.

5 E. The State Commissioner of Health and any affected licensing  
6 boards may promulgate rules as necessary to implement this section.

7 SECTION 3. This act shall become effective November 1, 2024.

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