

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1491 By: Stanley of the Senate
3 and
4 Roe of the House
5
6

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; updating statutory language; defining
11 terms; authorizing provision of expedited partner
12 therapy under certain conditions; requiring provision
13 of certain counseling; providing certain protections
14 from civil liability and disciplinary action;
15 specifying information to be included in certain
16 materials; authorizing promulgation of rules;
17 providing for codification; and providing an
18 effective date.

17 AUTHOR: Add the following House Coauthors: Deck and Swope

18 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
19 and insert:

20
21 "An Act relating to sexually transmitted infections;
22 defining term; authorizing provision of expedited
23 partner therapy under certain conditions; requiring
24 provision of certain counseling; providing certain
protections from civil liability and disciplinary
action; specifying information to be included in
certain materials; authorizing promulgation of rules;

1 amending 63 O.S. 2021, Section 1-517, which relates
2 to definitions; modifying definition; amending 63
3 O.S. 2021, Section 1-518, which relates to report and
4 treatment of disease; updating term; amending 63 O.S.
5 2021, Section 1-522, which relates to treatment
6 without prescription; providing certain exception;
7 amending 63 O.S. 2021, Section 1-532.1, which relates
8 to minor's consent for examination and treatment for
9 venereal disease; updating term; repealing 63 O.S.
10 2021, Section 1-521, which relates to treatment by
11 person not a physician; providing for codification;
12 and providing an effective date.

13
14
15
16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

A. "Expedited partner therapy" means to prescribe, administer,
dispense, or otherwise provide antimicrobial drugs to a sexual
partner of a patient clinically diagnosed by a health care provider
as infected with a sexually transmitted infection without a physical
examination of such sexual partner, shall not apply to any sexually
transmitted infection that could be chronic or require multiple
treatment courses.

B. 1. Subject to limitations provided by law or rule including
but not limited to laws or rules governing scope of practice,
supervision of health care providers, and delegation of health care

1 services, a health care provider who clinically diagnosed a patient
2 with a sexually transmitted infection may provide expedited partner
3 therapy if, in the professional judgment of the health care
4 provider, the patient's sexual partner is unlikely or unable to
5 present for examination, testing, and treatment.

6 2. A health care provider who provides expedited partner
7 therapy shall provide counseling to the patient, including
8 distributing written materials developed and provided by the State
9 Department of Health to be given by the patient to the patient's
10 sexual partner.

11 3. A health care provider shall use expedited partner therapy
12 only for a patient's sexual partner who may have been exposed to a
13 sexually transmitted infection and who is able to be contacted and
14 identified by the patient.

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

21 2. No health care provider or pharmacist shall be subject to
22 disciplinary action by the provider's or pharmacist's licensing
23 board on the basis of an act or omission in good-faith compliance
24

1 with the provisions of this section, other than an act or omission
2 constituting gross negligence or willful or wanton misconduct.

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

6 1. A warning that a woman who is pregnant or might be pregnant
7 should not take certain antibiotics and should immediately contact a
8 health care provider for an examination;

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

14 3. Information about the treatment and prevention of sexually
15 transmitted infections;

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

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

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

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

5 8. Such other information deemed necessary by the State
6 Commissioner of Health.

7 E. The State Commissioner of Health, the State Board of Medical
8 Licensure and Supervision, the State Board of Osteopathic Examiners,
9 the Oklahoma Board of Nursing, and the State Board of Pharmacy may
10 promulgate rules as necessary to implement this section.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-517, is
12 amended to read as follows:

13 Section 1-517. For the purposes of the following sections of
14 this article:

15 (a) The term "sexually transmitted infection (STI)" means
16 syphilis, gonorrhoea, chlamydia, human immunodeficiency virus
17 (HIV)/acquired immune deficiency syndrome (AIDS), and any other
18 disease which may be transmitted from any person to any other person
19 through or by means of any form of sexual contact.

20 (b) The term "infected person" means any individual, either
21 sex, who may be carrying the organism or is afflicted with any STI.

22 (c) The term "dealer" means any person who may handle, for
23 sale, any medicinal remedies or supposed remedies for an STI, and
24 the agents, clerks and employees of any such person; and any person

1 who may profess or claim to treat or cure, by the use of medicine or
2 otherwise, any sexually transmitted infection (STI), and the agents,
3 clerks and employees.

4 (d) The term "~~physician~~" shall ~~include reputable physicians who~~
5 ~~have complied with all the requirements of law regulating the~~
6 ~~practice of their respective schools of medicine, and duly licensed~~
7 ~~by such law to practice medicine in their respective schools, or~~
8 ~~surgery, or both, and no other person~~ "health care provider" means
9 an allopathic physician, osteopathic physician, physician assistant,
10 or Advanced Practice Registered Nurse licensed in this state and
11 authorized to prescribe drugs.

12 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-518, is
13 amended to read as follows:

14 Section 1-518. It shall be unlawful for any person, being an
15 infected person, to refuse, fail, or neglect to report such fact to,
16 and submit to examination and treatment by, a ~~physician~~ health care
17 provider.

18 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-522, is
19 amended to read as follows:

20 Section 1-522. ~~It~~ Except as provided in Section 1 of this act,
21 it shall be unlawful for any dealer to treat or offer to treat any
22 infected person, or to sell, furnish or give to any infected person,
23 or to any other person whomsoever, any medicines of any kind that
24 may be advertised or used for treatment of a sexually transmitted

1 infection (STI), before requiring such person to produce and file
2 with such dealer a proper prescription for such medicine, issued and
3 signed by a physician, which prescription shall be by the dealer
4 kept on file for a period of one (1) year from the date of the
5 person receiving the same, and subject, at all reasonable hours, to
6 the inspection of the State Commissioner of Health or local health
7 officer.

8 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-532.1, is
9 amended to read as follows:

10 Section 1-532.1. Any person, regardless of age, has the
11 capacity to consent to examination and treatment by a ~~licensed~~
12 ~~physician~~ health care provider for any sexually transmitted
13 infection (STI).

14 SECTION 6. REPEALER 63 O.S. 2021, Section 1-521, is
15 hereby repealed.

16 SECTION 7. This act shall become effective November 1, 2024."
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Passed the House of Representatives the 25th day of April, 2024.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2024.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1491

By: Stanley of the Senate

and

Roe of the House

3
4
5
6 An Act relating to sexually transmitted infections;
7 amending 63 O.S. 2021, Section 1-522, which relates
8 to treatment without prescription; providing certain
9 exception; updating statutory language; defining
10 terms; authorizing provision of expedited partner
11 therapy under certain conditions; requiring provision
12 of certain counseling; providing certain protections
13 from civil liability and disciplinary action;
14 specifying information to be included in certain
15 materials; authorizing promulgation of rules;
16 providing for codification; and providing an
17 effective date.

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

19 SECTION 8. 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
may be advertised or used for treatment of a sexually transmitted
infection (STI), before requiring such person to produce and file
with such dealer a proper prescription for such medicine, issued and
signed by a physician, which prescription shall be by the dealer

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

5 SECTION 9. 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 health care provider
12 as infected with a sexually transmitted infection without a physical
13 examination of such sexual partner; and

14 2. "Health care 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 of health care providers, and delegation of health care
21 services, a health care provider who clinically diagnoses a patient
22 with a sexually transmitted infection may provide expedited partner
23 therapy if, in the professional judgment of the health care
24

1 provider, the patient's sexual partner is unlikely or unable to
2 present for examination, testing, and treatment.

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

8 3. A health care provider shall use expedited partner therapy
9 only for a patient's sexual partner who may have been exposed to a
10 sexually transmitted infection and who is able to be contacted and
11 identified by the patient.

12 C. 1. No health care provider or pharmacist shall be liable
13 for 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 health care 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.

23

24

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 health care 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 health
11 care provider for examination;

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

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

1 transmitted infections and the importance of prompt examination and
2 treatment by a health care provider; and

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

5 E. The State Commissioner of Health, the State Board of Medical
6 Licensure and Supervision, the State Board of Osteopathic Examiners,
7 the Oklahoma Board of Nursing, and the State Board of Pharmacy may
8 promulgate rules as necessary to implement this section.

9 SECTION 10. This act shall become effective November 1, 2024.
10 Passed the Senate the 27th day of February, 2024.

11
12 _____
13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2024.

16
17 _____
18 Presiding Officer of the House
19 of Representatives