

An Act

ENROLLED SENATE
BILL NO. 1491

By: Stanley of the Senate

and

Roe, Deck, and Swope of the
House

An Act relating to sexually transmitted infections; defining term; authorizing provision of expedited partner therapy under certain conditions; requiring 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; amending 63 O.S. 2021, Section 1-517, which relates to definitions; modifying definition; amending 63 O.S. 2021, Section 1-518, which relates to report and treatment of disease; updating term; amending 63 O.S. 2021, Section 1-522, which relates to treatment without prescription; providing certain exception; amending 63 O.S. 2021, Section 1-532.1, which relates to minor's consent for examination and treatment for venereal disease; updating term; repealing 63 O.S. 2021, Section 1-521, which relates to treatment by person not a physician; providing for codification; and providing an effective date.

SUBJECT: Sexually transmitted infections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The term "dealer" means any person who may handle, for sale, any medicinal remedies or supposed remedies for an STI, and the agents, clerks and employees of any such person; and any person who may profess or claim to treat or cure, by the use of medicine or otherwise, any sexually transmitted infection (STI), and the agents, clerks and employees.

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

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

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

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

Section 1-522. ~~It~~ Except as provided in Section 1 of this act, it shall be unlawful for any dealer to treat or offer to treat any infected person, or to sell, furnish or give to any infected person,

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

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

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

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

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

Passed the Senate the 21st day of May, 2024.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____