

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1491

By: Stanley of the Senate

and

Roe of the House

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8 COMMITTEE SUBSTITUTE

9 An Act relating to sexually transmitted infections;  
10 updating statutory language; defining terms;  
11 authorizing provision of expedited partner therapy  
12 under certain conditions; requiring provision of  
13 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 amending 63 O.S. 2021, Section 1-517, which relates  
18 to definitions; modifying definition; amending 63  
19 O.S. 2021, Section 1-518, which relates to report and  
20 treatment of disease; updating term; amending 63 O.S.  
21 2021, Section 1-522, which relates to treatment  
22 without prescription; providing certain exception;  
23 amending 63 O.S. 2021, Section 1-532.1, which relates  
24 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.

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:

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

8       B. 1. Subject to limitations provided by law or rule including  
9 but not limited to laws or rules governing scope of practice,  
10 supervision of health care providers, and delegation of health care  
11 services, a health care provider who clinically diagnosis a patient  
12 with a sexually transmitted infection may provide expedited partner  
13 therapy if, in the professional judgment of the health care  
14 provider, the patient's sexual partner is unlikely or unable to  
15 present for examination, testing, and treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-518, is  
23 amended to read as follows:  
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1 Section 1-518. It shall be unlawful for any person, being an  
2 infected person, to refuse, fail, or neglect to report such fact to,  
3 and submit to examination and treatment by, a ~~physician~~ health care  
4 provider.

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

7 Section 1-522. ~~It~~ Except as provided in Section 1 of this act,  
8 it shall be unlawful for any dealer to treat or offer to treat any  
9 infected person, or to sell, furnish or give to any infected person,  
10 or to any other person whomsoever, any medicines of any kind that  
11 may be advertised or used for treatment of a sexually transmitted  
12 infection (STI), before requiring such person to produce and file  
13 with such dealer a proper prescription for such medicine, issued and  
14 signed by a physician, which prescription shall be by the dealer  
15 kept on file for a period of one (1) year from the date of the  
16 person receiving the same, and subject, at all reasonable hours, to  
17 the inspection of the State Commissioner of Health or local health  
18 officer.

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

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

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

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