

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

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

By: Stanley of the Senate

and

Roe of the House

8  
9                                   COMMITTEE SUBSTITUTE

10           An Act relating to sexually transmitted infections;  
11           updating statutory language; defining terms;  
12           authorizing provision of expedited partner therapy  
13           under certain conditions; requiring provision of  
14           certain counseling; providing certain protections  
15           from civil liability and disciplinary action;  
16           specifying information to be included in certain  
17           materials; authorizing promulgation of rules;  
18           amending 63 O.S. 2021, Section 1-517, which relates  
19           to definitions; modifying definition; amending 63  
20           O.S. 2021, Section 1-518, which relates to report and  
21           treatment of disease; updating term; amending 63 O.S.  
22           2021, Section 1-522, which relates to treatment  
23           without prescription; providing certain exception;  
24           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.

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

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

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

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

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

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

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

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

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

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

22           2. Information about the antimicrobial drug and dosage provided  
23 or prescribed, including a warning that a sexual partner who has a  
24 history of allergy to the drug or the pharmaceutical class of drug

1 should not take the drug and should immediately contact a health  
2 care provider for examination;

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

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

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

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

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

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

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

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

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

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

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

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

18 (d) The term ~~"physician" shall include reputable physicians who~~  
19 ~~have complied with all the requirements of law regulating the~~  
20 ~~practice of their respective schools of medicine, and duly licensed~~  
21 ~~by such law to practice medicine in their respective schools, or~~  
22 ~~surgery, or both, and no other person~~ "health care provider" means  
23 an allopathic physician, osteopathic physician, physician assistant,  
24

1 or Advanced Practice Registered Nurse licensed in this state and  
2 authorized to prescribe drugs.

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

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

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

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

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

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

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/04/2024 -  
10 DO PASS, As Amended.

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