

1 **SENATE FLOOR VERSION**

2 February 8, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1491

6 By: Stanley

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.

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

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

22 Section 1-522. ~~It~~ Except as provided in Section 2 of this act,
23 it shall be unlawful for any dealer to treat or offer to treat any
24 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

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

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

9 A. As used in this section:

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

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

19 B. 1. Subject to limitations provided by law or rule including
20 but not limited to laws or rules governing scope of practice,
21 supervision of health care providers, and delegation of health care
22 services, a health care provider who clinically diagnoses a patient
23 with a sexually transmitted infection may provide expedited partner
24 therapy if, in the professional judgment of the health care

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

10 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
11 February 8, 2024 - DO PASS AS AMENDED BY CS

12
13
14
15
16
17
18
19
20
21
22
23
24