



SPONSOR: Sen. Lopez

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 249

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE PROVISION OF INFORMATION ABOUT LYME DISEASE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 30, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3           Chapter 30M. Lyme Disease Information.

4           § 3001M. Provision of information relating to Lyme disease.

5           (a) For purposes of this section, “health-care provider” means a nurse, physician, laboratory technologist or  
6 technician, or phlebotomist.

7           (b) A health-care provider who draws the blood of a patient to perform a laboratory test for Lyme disease shall  
8 provide the following written notice to the patient at the time the patient’s blood is drawn:

9           “Your health care provider has ordered a laboratory test for the presence of Lyme disease for you. Current  
10 laboratory testing for Lyme disease can be problematic and standard laboratory tests often result in false negative and false  
11 positive results, and you may not have produced enough antibodies to be considered positive because your immune  
12 response requires time and the ability to develop antibodies. If you are tested for Lyme disease and the results are negative,  
13 this does not necessarily mean you do not have Lyme disease. If you continue to experience unexplained symptoms, you  
14 should contact your health care provider and inquire about the appropriateness of retesting or initial or additional  
15 treatment.”.

16           (c) Notwithstanding any other law, this section does not create a cause of action or create a standard of care,  
17 obligation, or duty that provides a basis for a cause of action.

18           (d) The information required by this section or evidence that a person violated this section is not admissible in a  
19 civil, judicial, or administrative proceeding.

SYNOPSIS

This Act, modeled on similar laws in Virginia and Maryland, requires a health care provider to provide notice to a patient at the time blood is drawn to perform a laboratory test for Lyme disease that explains the limitations of the test and instructs the patient to see their health care provider if the patient continues to experience unexplained symptoms.

Author: Senator Lopez