SPONSOR: Rep. Schwartzkopf & Rep. Bush & Rep. Dorsey Walker & Rep. Minor-Brown & Sen. Lopez
Reps. Baumbach, Collins, Gray, Heffernan, Hensley, K. Johnson, Lambert, Longhurst, Mitchell, Morrison, Ramone, D. Short; Sens. Ennis, Gay, Hansen, Hocker, Lawson, S. McBride, Pettyjohn, Walsh, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 309

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:

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

Chapter 30N. Lyme Disease Information.

§ 3001N. Provision of information relating to Lyme disease.

(a) A health-care provider who draws the blood of a patient to perform a laboratory test for Lyme disease shall provide the patient with the following written notice, or a substantially similar notice, at the time the patient's blood is drawn:

"Your health-care provider has ordered a laboratory test for the presence of Lyme disease for you. Current laboratory testing for Lyme disease, like all standard laboratory tests, can result in false negatives and false positives. If you continue to experience unexplained symptoms, you should contact your health-care provider and inquire about the appropriateness of retesting or initial or additional treatment.".

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

(c) The information required by this section or evidence that a person violated this section is not admissible in a 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. This Act was previously passed by the 150th General Assembly in Senate Bill 15, and is the same except for the removal of the sunset provision.

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