SPONSOR: Sen. Townsend & Rep. Bentz
Sens. Hansen, Henry, McDowell; Reps. Heffernan, Viola

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 157
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EXPEDITED PARTNER THERAPY.

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

Section 1. Amend § 701, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 701. Definitions.

(a) "Director" ~~shall mean~~ means the Director of the Division of Public Health or the Director's authorized deputies within their respective jurisdictions.

( ) "Expedited partner therapy" means the clinical practice of treating the sex partners of patients diagnosed with a sexually transmitted disease without clinical assessment of the partners.

(b) "Health-care professional" ~~shall mean~~ means any physician, nurse, laboratory or blood bank technologist or technician, and any others whose professions involve the diagnosis, ~~care~~ care, or treatment of ~~persons~~ individuals or the testing of bodily specimens for the purpose of finding evidence of disease.

( ) "Health-care practitioner" means a physician or an individual licensed and authorized to prescribe under Title 24.

(c) "Health facility" ~~shall mean~~ means a hospital, nursing home, clinic, blood bank, blood center, sperm bank, ~~laboratory~~ laboratory, or other health care institution whether public or private.

(d) "Invasive medical procedures" ~~shall mean~~ means surgical entry into tissues, ~~cavities~~ cavities, or organs.

(e) "Sexually transmitted diseases" or "STD" (formerly referred to as "venereal diseases"), ~~abbreviated STD, shall be~~ means diseases designated by the Department of Health and Social Services as reportable through rules and regulations published by the Department of Health and Social Services ~~pursuant to § 706~~ under § 702 of this title upon finding that such ~~diseases:~~ disease meets both of the following:

(1) Cause significant morbidity and ~~mortality; and~~ mortality.

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(2) Can be screened, ~~diagnosed~~ diagnosed, and treated in a public health control program, or if not, are a major public health concern such that surveillance of disease occurrence is in the public interest.

(f) "Suspect" means ~~Any person~~ an individual falling into 1 or more of the following ~~categories is designated as a "suspect:"~~ categories:

(1) ~~A person~~ An individual having positive laboratory or clinical findings of an ~~STD;~~ STD.

(2) ~~A person~~ An individual in whom epidemiologic evidence indicates an STD may ~~exist; and~~ exist.

(3) ~~A person~~ An individual identified as a sexual contact of an STD case.

Section 2. Amend Chapter 7, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 703A. Expedited partner therapy.

(a) A health care practitioner who makes a clinical diagnosis of a sexually transmitted disease may provide expedited partner therapy for the treatment of the sexually transmitted disease in accordance with established medical practices and profession guidances published by professional medical organizations, including the Centers for Disease Control, if, in the judgment of the health care practitioner, the sexual partner is unlikely or unable to present for comprehensive health care, including evaluation, testing, and treatment for sexually transmitted diseases. Expedited partner therapy is limited to a sexual partner who may have been exposed to a sexually transmitted disease within the previous 60 days and who is able to be contacted by the patient.

(b) A health care practitioner who provides expedited partner therapy shall provide counseling for the patient, including advice that all symptomatic individuals, and in particular women with symptoms suggestive of pelvic inflammatory disease, are encouraged to seek medical attention. The health care practitioner shall also provide written materials, provided by the Department of Health and Social Services, to be given by the patient to the sexual partner. The written materials must include the following:

(1) A warning that a woman who is pregnant or might be pregnant should immediately contact a health care professional for an examination.

(2) Information about the antibiotic and dosage provided or prescribed that contains clear and explicit allergy and side effect warnings, including a warning that a sexual partner who has a history of allergy to the antibiotic or the pharmaceutical class of antibiotic should not take the antibiotic and should be immediately examined by a health care professional.

(3) Information about the treatment and prevention of sexually transmitted diseases.

(4) The requirement of abstinence until a period of time after treatment to prevent infecting others.

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(5) Notification of the importance of the sexual partner's receiving examination and testing for the human immunodeficiency virus and other sexually transmitted diseases and information regarding available resources.

(6) Notification of the risk to the sexual partner, others, and the public health if the sexually transmitted disease is not completely and successfully treated.

(7) The responsibility of the sexual partner to inform that individual's sexual partners of the risk of sexually transmitted disease and the importance of prompt examination and treatment.

(8) Advice to seek medical attention if symptoms of an allergic reaction arise.

(c) A health care practitioner who provides expedited partner therapy in good faith, without fee or compensation, and who provides counseling and written materials as required under this section, is not subject to civil or professional liability in connection with the provision of the expedited partner therapy, counseling, and materials, unless it is established that the health care practitioner acted with unreasonable care, willfully, wantonly, or by gross negligence.

(d) A health care practitioner is not subject to civil or professional liability for choosing not to provide expedited partner therapy.

(e) Notwithstanding any other provision of law or regulation to the contrary, a pharmacist licensed to practice pharmacy in this State may recognize a prescription authorized by this section as valid.

(f) A pharmacist or pharmacy is not subject to civil or professional liability for filling a prescription ordered under this section unless it is established that the pharmacist or pharmacy acted with unreasonable care, willfully, wantonly, or by gross negligence.

(g) The label of any drug prescribed, or records created under this section are not required to contain the name of the patient's sexual partner.

(h) All information under this section is confidential and privileged except for reports required under this chapter and under the provisions of § 710 and § 711 of this title.

Section 3. Amend § 707, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 707. Rules and regulations of Department.

(c) The Department of Health and Social Services shall create the written materials required under § 703A of this title.