

CHAPTER 336

AN ACT concerning treatment of sexually transmitted diseases and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.26:4-48.2 Expedited partner therapy.

1. a. Notwithstanding any other provision of law to the contrary, a health care professional who diagnoses a patient as having a sexually transmitted disease may provide expedited partner therapy to a sexual partner of the patient pursuant to this act.

b. Expedited partner therapy shall consist of the health care professional:

(1) prescribing or dispensing medication for the treatment of the sexually transmitted disease. The medication shall be prescribed or dispensed in the sexual partner's name or, if not known, in the name of "Expedited Partner Therapy," and provided to the patient to give to the sexual partner;

(2) providing the patient with printed informational materials, which have been distributed by the department pursuant to subsection a. of section 2 of this act, for the patient to give to the sexual partner; and

(3) requesting that the patient advise the sexual partner of the importance of seeking clinical treatment for the sexually transmitted disease from a health care professional.

The health care professional shall not be required to perform a clinical examination of the sexual partner as a condition of providing expedited partner therapy.

c. A health care professional may provide expedited partner therapy to any sexual partner of the patient, provided that:

(1) the patient indicates with reasonable certainty that the patient has had sexual contact with the sexual partner within the past 60 days under circumstances in which there was a risk of transmission of a sexually transmitted disease;

(2) the patient indicates with reasonable certainty that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and

(3) the patient indicates with reasonable certainty that the patient will be able to contact the sexual partner for the purposes of providing expedited partner therapy.

d. As used in this act:

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Health care professional" means a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to issue prescriptions for the medications used in expedited partner therapy and for whom the treatment of sexually transmitted disease is within the physician's, advanced practice nurse's, certified nurse midwife's, or physician assistant's scope of training and practice.

C.26:4-48.3 Informational materials.

2. a. The department shall develop and print written informational materials related to expedited partner therapy, in accordance with the provisions of this section, and shall regularly distribute an adequate supply of printed copies of the informational materials to health care professionals in the State. A health care professional who elects to provide expedited partner therapy shall hand out copies of the informational materials, which have been distributed by the department pursuant to this subsection, to each patient under the professional's care who is diagnosed with a sexually transmitted disease, for subsequent

delivery by the patient to all of the patient's sexual partners who are eligible for expedited partner therapy.

b. The written informational materials that are developed and distributed by the department pursuant to subsection a. of this section shall be made available in English, Spanish, and any other language that the commissioner determines is the first language of a significant number of people who use or are likely to use expedited partner therapy, and shall include the following:

(1) Information about any medication prescribed or dispensed, including clear and explicit allergy and side effect warnings and a statement that a person who has a history of allergy to the medication, or medications in the same pharmaceutical class as the medication, should not take the medication and should immediately contact a health care professional for a clinical examination;

(2) A warning that a woman who is pregnant or who might be pregnant should not take certain antibiotics and should immediately contact a health care professional for a clinical examination;

(3) Information about the treatment and prevention of sexually transmitted diseases, including the necessity of practicing abstinence for a certain period of time during and after treatment to prevent the risk of exposing others to infection;

(4) Notice concerning the risk to the person, the person's sexual partners, and others, as well as the risk to the public health, if the sexually transmitted disease is not completely and successfully treated;

(5) A recommendation that the person contact a health care professional for a clinical examination that includes testing for sexually transmitted diseases, including the human immunodeficiency virus, and information concerning available testing and clinical resources;

(6) Information concerning the person's responsibility to inform the person's sexual partners of the risk of infection with a sexually transmitted disease, and the importance of urging those partners to seek prompt clinical examination and treatment;

(7) Advice to all women and symptomatic persons, and, in particular, women with symptoms suggestive of pelvic inflammatory disease, to seek medical attention;

(8) Notice that the person may contact a health care professional, the local board of health, or the department with questions concerning the information contained in the materials;

(9) Notice that the person will be liable for the cost of the medication prescribed, unless the person has prescription benefits coverage or the medication was dispensed or otherwise furnished by a health care professional without charge; and

(10) Any other information as may be required by the department, including any additional information or materials the department recommends be provided to persons who are repeatedly diagnosed with a sexually transmitted disease.

c. In consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, the department shall develop and make available to health care professionals informational materials and guidance concerning the safe and effective provision of expedited partner therapy. The department may also offer educational programs about expedited partner therapy for health care professionals and licensed pharmacists.

d. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in consideration of recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, adopt rules and regulations to effectuate the provisions of this act, including, but not limited to, establishing a list of sexually transmitted diseases that may be treated through expedited partner therapy.

C.26:4-48.4 Immunity from liability.

3. a. Except in the case of gross negligence or willful misconduct, a health care professional who provides expedited partner therapy pursuant to this act, and a licensed pharmacist who dispenses a prescription for medication issued for expedited partner therapy pursuant to this act, shall not be subject to civil or criminal liability or professional disciplinary action in connection with any act or omission taken in good faith consistent with the provisions of this act. A health care professional shall not be subject to civil or criminal liability or professional disciplinary action for choosing not to provide expedited partner therapy.

b. Nothing in this act shall be construed to require a patient's health benefits plan or prescription benefits plan to pay for or provide reimbursement for anyone other than the patient who is provided expedited partner therapy pursuant to this act unless the person to whom expedited partner therapy is being provided is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

4. This act shall take effect the first day of the fourth month next following the date of enactment.

Approved January 13, 2020.