

EXPEDITED PARTNER THERAPY ACT - ENACTMENT

Act of Nov. 3, 2022, P.L. 2130, No. 147

Cl. 35

An Act

Providing for expedited partner therapy and for liability.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Expedited Partner Therapy Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Health care practitioner." As defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Pharmacist." As defined in section 2(10) of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act.

"Pharmacy." As defined in section 2(12) of the Pharmacy Act.

Section 3. Health care practitioners.

(a) General rule.--Notwithstanding any other provision of law or regulation, a health care practitioner may issue a prescription for or personally furnish antibiotics to treat sexually transmitted infections, without having examined the individual for whom the drug is intended, in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the United States Centers for Disease Control and Prevention, if:

(1) The individual is a sexual partner of the health care practitioner's patient.

(2) The patient has been diagnosed with a sexually transmitted infection.

(3) The patient reports to the health care practitioner that the individual is unable or unlikely to be evaluated or treated by a health professional.

(b) Name on prescription.--If the health care practitioner is unable to obtain the individual's name, the prescription shall include the words "expedited partner therapy" or the letters "EPT."

(c) Prescribed drug.--For each drug prescribed, the health care practitioner shall do all of the following:

(1) Recommend to the patient that the individual seek treatment from a health professional.

(2) Document the name of the drug prescribed and its dosage in the patient's record.

(d) Furnished drug.--For each drug personally furnished, the health care practitioner shall do all of the following:

(1) Provide the patient with information concerning the drug for the purpose of sharing the information with the individual, including directions for use of the drug and any side effects, adverse reactions or known contraindications associated with the drug.

(2) Recommend to the patient that the individual seek treatment from a health professional.

(3) Document all of the following in the patient's record:

(i) The name of the drug furnished and its dosage.

(ii) That information concerning the drug was provided to the patient for the purpose of sharing the information

with the individual.

(e) Contact permitted.--A health care practitioner who prescribes or personally furnishes a drug may contact the individual for whom the drug is intended.

(f) Liability for prescribing or furnishing drug.--A health care practitioner who in good faith prescribes or personally furnishes a drug is not liable for or subject to any of the following:

- (1) Damages in a civil action.
- (2) Prosecution in a criminal proceeding.
- (3) Professional disciplinary action.

(g) Liability for not prescribing or furnishing drug.--A health care practitioner shall not be subject to civil, criminal or professional liability for choosing not to provide expedited partner therapy.

Section 4. Pharmacists.

(a) Dispensing and labeling drug.--Notwithstanding any other provision of law or regulation, a pharmacist may:

(1) Dispense a drug pursuant to a prescription issued under section 3(a).

(2) Label a drug dispensed pursuant to the prescription without the name of the individual for whom the drug is intended if the prescription contains the words "expedited partner therapy" or the letters "EPT."

(b) Information required when dispensing drug.--For each drug dispensed, the pharmacist shall provide all of the following information:

- (1) Directions for use of the drug.
- (2) Any side effects, adverse reactions or known contraindications associated with the drug.

(c) Liability for dispensing drug.--A pharmacist or pharmacy that in good faith dispenses a drug pursuant to a prescription issued under section 3(a) for expedited partner therapy is not liable for or subject to any of the following:

- (1) Damages in a civil action.
- (2) Prosecution in a criminal proceeding.
- (3) Professional disciplinary action.

(d) Distribution of information.--This section does not affect the authority of a pharmacist to distribute information concerning a drug as required by Federal law.

Section 5. Effective date.

This act shall take effect in 90 days.