

58-1-501.3 Health professional prescribing exceptions for expedited partner therapy for sexually transmitted diseases.

- (1) For purposes of this section:
 - (a) "Drug to treat a sexually transmitted disease" means a drug:
 - (i) as defined in Section 58-17b-102; and
 - (ii) that is:
 - (A) an antibiotic; and
 - (B) prescribed in accordance with guidelines from the Centers for Disease Control and Prevention for patient delivered expedited partner therapy in the management of sexually transmitted disease.
 - (b) "Partner" means a person:
 - (i) with whom a practitioner does not have a bonafide practitioner-patient relationship; and
 - (ii) who is identified as, or claims to be a sexual partner of a patient.
 - (c) "Patient" means a person who:
 - (i) has a sexually transmitted disease; and
 - (ii) has a bonafide practitioner-patient relationship with a practitioner.
 - (d) "Sexually transmitted disease" means:
 - (i) gonorrhea; or
 - (ii) chlamydia.
- (2) This section does not require a practitioner or a licensee under this chapter to prescribe or dispense a drug to treat a sexually transmitted disease for patient delivered expedited partner therapy. A practitioner's or licensee's decision to use expedited partner therapy as allowed by this section is voluntary.
- (3) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, it is not unlawful conduct or unprofessional conduct, and it does not violate the provisions of this chapter if:
 - (a) a practitioner, in accordance with this Subsection (3):
 - (i) issues a prescription for a drug to treat a sexually transmitted disease to a partner by:
 - (A) writing "partner of (patient name)" on the prescription order; and
 - (B) giving the partner's prescription to the patient for subsequent use by the partner; or
 - (ii) notwithstanding Section 58-17b-610, dispenses a drug sample to treat a sexually transmitted disease to the patient for the subsequent use of the partner; or
 - (b) a pharmacist, in accordance with this Subsection (3), dispenses a prescription drug for the treatment of a sexually transmitted disease to:
 - (i) a person who:
 - (A) claims to be a partner; and
 - (B) presents a prescription for the drug to the pharmacist which is written for the unnamed partner of a named patient;
 - (ii) the patient for the subsequent use by the unnamed partner; or
 - (iii) an agent of the patient or partner.
- (4)
 - (a) For purposes of Subsection (3), and notwithstanding Section 58-17b-602:
 - (i) the partner does not have to be identified on the prescription order by information that would disclose the identity of the partner; and
 - (ii) when dispensing a drug to treat a sexually transmitted disease directly to the partner, the patient's identifying information may, but does not need to, be included on the partner's drug label.

- (b) Information provided by a pharmacist to a patient or the patient's agent for subsequent use by a partner satisfies the requirements of patient counseling for both the patient and the partner under Section 58-17b-613.
- (5)
- (a) The Legislature finds that the prevention and treatment of sexually transmitted diseases in the state is a compelling public health issue.
 - (b) A practitioner or licensee under this chapter is not liable for a medical malpractice action if the use of expedited partner therapy is in compliance with this section, except for those acts which are grossly negligent or willful and wanton.

Enacted by Chapter 151, 2009 General Session