

HB0739



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0739

Introduced 2/10/2021, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

410 ILCS 325/6

from Ch. 111 1/2, par. 7406

Amends the Illinois Sexually Transmissible Disease Control Act. Provides that a health care professional who makes a clinical diagnosis of trichomoniasis may prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to the infected person's sexual partner or partners for the treatment of the sexually transmissible disease without physical examination of the partner or partners, if in the judgment of the health care professional the partner is unlikely or unable to present for comprehensive healthcare, including evaluation, testing, and treatment for sexually transmissible diseases.

LRB102 02799 CPF 12807 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Sexually Transmissible Disease
5 Control Act is amended by changing Section 6 as follows:

6 (410 ILCS 325/6) (from Ch. 111 1/2, par. 7406)

7 Sec. 6. Physical examination and treatment.

8 (a) Subject to the provisions of subsection (c) of this
9 Section, the Department and its authorized representatives may
10 examine or cause to be examined persons reasonably believed to
11 be infected with or to have been exposed to a sexually
12 transmissible disease.

13 (b) Subject to the provisions of subsection (c) of this
14 Section, persons with a sexually transmissible disease shall
15 report for complete treatment to a physician licensed under
16 the provisions of the Medical Practice Act of 1987, or shall
17 submit to treatment at a facility provided by a local health
18 authority or other public facility, as the Department shall
19 require by rule or regulation until the disease is
20 noncommunicable or the Department determines that the person
21 does not present a real and present danger to the public
22 health. This subsection (b) shall not be construed to require
23 the Department or local health authorities to pay for or

1 provide such treatment.

2 (c) No person shall be apprehended, examined or treated
3 for a sexually transmissible disease against his will, under
4 the provisions of this Act, except upon the presentation of a
5 warrant duly authorized by a court of competent jurisdiction.
6 In requesting the issuance of such a warrant the Department
7 shall show by a preponderance of evidence that the person is
8 infectious and that a real and present danger to the public
9 health and welfare exists unless such warrant is issued and
10 shall show that all other reasonable means of obtaining
11 compliance have been exhausted and that no other less
12 restrictive alternative is available. The court shall require
13 any proceedings authorized by this subsection (c) to be
14 conducted in camera. A record shall be made of such
15 proceedings but shall be sealed, impounded and preserved in
16 the records of the court, to be made available to the reviewing
17 court in the event of an appeal.

18 (d) Any person who knowingly or maliciously disseminates
19 any false information or report concerning the existence of
20 any sexually transmissible disease under this Section is
21 guilty of a Class A misdemeanor.

22 (e) Taking into account the recommendations of the U.S.
23 Centers for Disease Control and Prevention and other
24 nationally recognized medical authorities, the Department
25 shall provide information and technical assistance as
26 appropriate to health care professionals who provide expedited

1 partner therapy services for persons with sexually
2 transmissible diseases.

3 (1) Notwithstanding any other provision of law, a
4 health care professional who makes a clinical diagnosis of
5 chlamydia, ~~or~~ gonorrhea, or trichomoniasis may prescribe,
6 dispense, furnish, or otherwise provide prescription
7 antibiotic drugs to the infected person's sexual partner
8 or partners for the treatment of the sexually
9 transmissible disease without physical examination of the
10 partner or partners, if in the judgment of the health care
11 professional the partner is unlikely or unable to present
12 for comprehensive healthcare, including evaluation,
13 testing, and treatment for sexually transmissible
14 diseases. Expedited partner therapy shall be limited to
15 partners who may have been exposed to a sexually
16 transmissible disease within the previous 60 days, if the
17 patient is able to contact the partner.

18 (2) Health care professionals who provide expedited
19 partner therapy shall comply with Sections 4 and 5 of the
20 Illinois Sexually Transmissible Disease Control Act.

21 (3) Health care professionals who provide expedited
22 partner therapy shall provide counseling for the patient
23 and written materials provided by the Department to be
24 given by the patient to the partner or partners that
25 include at a minimum the following:

26 (A) a warning that a woman who is pregnant or might

1 be pregnant must not take certain antibiotics and must
2 immediately contact a health care professional for an
3 examination, and a recommendation for such an
4 examination;

5 (B) information about the antibiotic and dosage
6 provided or prescribed; clear and explicit allergy and
7 side effect warnings, including a warning that a
8 partner who has a history of allergy to the antibiotic
9 or the pharmaceutical class of antibiotic must not
10 take the antibiotic and must be immediately examined
11 by a health care professional, and a recommendation
12 for such an examination;

13 (C) information about the treatment and prevention
14 of sexually transmissible diseases;

15 (D) the requirement of abstinence until a period
16 of time after treatment to prevent infecting others;

17 (E) notification of the importance of the partner
18 or partners of the patient to receive examination and
19 testing for HIV and other sexually transmissible
20 diseases, and available resources;

21 (F) notification of the risk to self, others, and
22 the public health if the sexually transmissible
23 disease is not completely and successfully treated;

24 (G) the responsibility of the partner or partners
25 to inform his or her sex partner or partners of the
26 risk of sexually transmissible disease and the

1 importance of prompt examination and treatment; and
2 (H) other information as deemed necessary by the
3 Department.

4 (4) The Department shall develop and disseminate in
5 electronic and other formats the following written
6 materials:

7 (A) informational materials for partners, as
8 required in item (3) of this subsection (e);

9 (B) informational materials for persons who are
10 repeatedly diagnosed with sexually transmissible
11 diseases; and

12 (C) guidance for health care professionals on the
13 safe and effective provision of expedited partner
14 therapy.

15 The Department may offer educational programs about
16 expedited partner therapy for health care professionals
17 and pharmacists licensed under the Pharmacy Practice Act.

18 (5) A health care professional prescribing,
19 dispensing, furnishing, or otherwise providing in good
20 faith without fee or compensation prescription antibiotics
21 to partners under this subsection (e) and providing
22 counseling and written materials as required by item (3)
23 of this subsection (e) shall not be subject to civil or
24 professional liability, except for willful and wanton
25 misconduct. A health care professional shall not be
26 subject to civil or professional liability for choosing

1 not to provide expedited partner therapy.

2 (6) A pharmacist or pharmacy shall not be subject to
3 civil or professional liability for choosing not to fill a
4 prescription that would cause the pharmacist or pharmacy
5 to violate any provision of the Pharmacy Practice Act,
6 including the definition of "prescription" set forth in
7 subsection (e) of Section 3 of the Pharmacy Practice Act
8 or the definition of "drug regimen review" set forth in
9 subsection (y) of Section 3 of the Pharmacy Practice Act.

10 (Source: P.A. 96-613, eff. 1-1-10.)