

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3463/P1dn
TKK:jld:ph

October 13, 2009

Rep. Pasch:

This is a redraft of 2007 AB-318. Please review the draft carefully to ensure that it accomplishes your intent.

1. Information sheet regarding sexually transmitted diseases. The drafting instructions directed me to eliminate the requirement, found under proposed s. 46.03 (44) in 2007 AB-318, that the Department of Health Services (DHS) promulgate a rule specifying the information about sexually transmitted diseases that a practitioner may provide to a patient, but implied that the information would still be provided by DHS. The instructions were not clear about how this information would be developed and provided to a patient.

In the absence of a rule-making requirement in the statute, the agency need not develop the sexually transmitted disease treatment information sheet described in proposed s. 46.03 (44) in 2007 AB-318. Further, the statutes cannot require that this information sheet be distributed to patients under s. 448.035 (3) if there is no requirement that the sheet be prepared. For these reasons, I eliminated all references to the information sheet, and will wait for additional instructions from your office as to how to proceed.

2. Immunity from civil liability for death or injury to patient's sexual partner(s). The drafting instructions directed me to provide immunity to pharmacists who dispense certain antimicrobials, and to the practitioners authorized to provide expedited partner therapy, for death or injury resulting to the patient's sexual partner from taking an antimicrobial drug in connection with the provision of expedited partner therapy. Should this immunity extend to pharmacists who do not dispense the antimicrobials? To practitioners who will not provide expedited partner therapy?

Please let me know if you have any questions or wish to make any changes to the draft.

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