





P.L. 2019, CHAPTER 336, *approved January 13, 2020*  
Assembly, No. 4493 (*First Reprint*)

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

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. Notwithstanding any other provision of law to the  
8 contrary, a health care professional who diagnoses a patient as  
9 having a sexually transmitted disease may provide expedited partner  
10 therapy to a sexual partner of the patient pursuant to this act.

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

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

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

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

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

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

30 (1) **1**~~【The】~~ the<sup>1</sup> patient indicates with reasonable certainty that  
31 the patient has had sexual contact with the sexual partner within the  
32 past 60 days under circumstances in which there was a risk of  
33 transmission of a sexually transmitted disease;

34 (2) **1**~~【The】~~ the<sup>1</sup> patient indicates with reasonable certainty that  
35 the sexual partner is unable or unwilling to seek clinical services in  
36 a timely manner; and

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 13, 2019.

1 (3) ~~1~~**[The]** the<sup>1</sup> patient indicates with reasonable certainty that  
2 the patient will be able to contact the sexual partner for the  
3 purposes of providing expedited partner therapy.

4 d. As used in this act:

5 “Commissioner” means the Commissioner of Health.

6 “Department” means the Department of Health.

7 “Health care professional” means a physician, advanced practice  
8 nurse, <sup>1</sup>certified nurse midwife,<sup>1</sup> or physician assistant who is  
9 authorized to issue prescriptions for the medications used in  
10 expedited partner therapy and for whom the treatment of sexually  
11 transmitted disease is within the physician’s, advanced practice  
12 nurse’s, <sup>1</sup>certified nurse midwife’s,<sup>1</sup> or physician assistant’s scope  
13 of training and practice.  
14

15 2. a. The department shall develop and print written  
16 informational materials related to expedited partner therapy, in  
17 accordance with the provisions of this section, and shall regularly  
18 distribute an adequate supply of printed copies of the informational  
19 materials to health care professionals in the State. A health care  
20 professional who elects to provide expedited partner therapy shall  
21 hand out copies of the informational materials, which have been  
22 distributed by the department pursuant to this subsection, to each  
23 patient under the professional’s care who is diagnosed with a  
24 sexually transmitted disease, for subsequent delivery by the patient  
25 to all of the patient’s sexual partners who are eligible for expedited  
26 partner therapy.

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

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

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

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

46 (4) Notice concerning the risk to the person, the person’s sexual  
47 partners, and others, as well as the risk to the public health, if the

1 sexually transmitted disease is not completely and successfully  
2 treated;

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

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

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

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

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

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

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

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

41

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

1 criminal liability or professional disciplinary action for choosing  
2 not to provide expedited partner therapy.

3 b. Nothing in this act shall be construed to require ~~1[any]~~ a  
4 patient's<sup>1</sup> health benefits plan or prescription benefits plan to pay  
5 for or provide reimbursement for ~~1anyone other than the patient~~  
6 who is provided<sup>1</sup> expedited partner therapy ~~1[provided]~~<sup>1</sup> pursuant  
7 to this act unless the person to whom expedited partner therapy is  
8 being provided is listed as a beneficiary under the ~~1patient's~~<sup>1</sup> health  
9 benefits plan or prescription benefits plan ~~1[of the patient initially~~  
10 diagnosed with the sexually transmitted disease]<sup>1</sup>.

11  
12 4. This act shall take effect the first day of the fourth month  
13 next following the date of enactment.

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18 \_\_\_\_\_  
19 Authorizes expedited partner therapy, under which sexual  
20 partners of patients diagnosed with sexually transmitted disease are  
treated without prior clinical examination.

# ASSEMBLY, No. 4493

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2018

**Sponsored by:**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Authorizes expedited partner therapy, under which sexual partners of patients diagnosed with sexually transmitted disease are treated without prior clinical examination.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/17/2019)**

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

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5 of New Jersey:

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11 b. Expedited partner therapy shall consist of the health care  
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14 sexually transmitted disease. The medication shall be prescribed or  
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16 of "Expedited Partner Therapy," and provided to the patient to give  
17 to the sexual partner;

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

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

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

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

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

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

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

40 d. As used in this act:

41 "Commissioner" means the Commissioner of Health.

42 "Department" means the Department of Health.

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



1       2. a. The department shall develop and print written  
2 informational materials related to expedited partner therapy, in  
3 accordance with the provisions of this section, and shall regularly  
4 distribute an adequate supply of printed copies of the informational  
5 materials to health care professionals in the State. A health care  
6 professional who elects to provide expedited partner therapy shall  
7 hand out copies of the informational materials, which have been  
8 distributed by the department pursuant to this subsection, to each  
9 patient under the professional's care who is diagnosed with a  
10 sexually transmitted disease, for subsequent delivery by the patient  
11 to all of the patient's sexual partners who are eligible for expedited  
12 partner therapy.

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

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

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

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

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

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

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

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

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

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

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

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

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

27  
28 3. a. Except in the case of gross negligence or willful  
29 misconduct, a health care professional who provides expedited  
30 partner therapy pursuant to this act, and a licensed pharmacist who  
31 dispenses a prescription for medication issued for expedited partner  
32 therapy pursuant to this act, shall not be subject to civil or criminal  
33 liability or professional disciplinary action in connection with any  
34 act or omission taken in good faith consistent with the provisions of  
35 this act. A health care professional shall not be subject to civil or  
36 criminal liability or professional disciplinary action for choosing  
37 not to provide expedited partner therapy.

38 b. Nothing in this act shall be construed to require any health  
39 benefits plan or prescription benefits plan to pay for or provide  
40 reimbursement for expedited partner therapy provided pursuant to  
41 this act unless the person to whom expedited partner therapy is  
42 being provided is listed as a beneficiary under the health benefits  
43 plan or prescription benefits plan of the patient initially diagnosed  
44 with the sexually transmitted disease.

45  
46 4. This act shall take effect the first day of the fourth month  
47 next following the date of enactment.

STATEMENT

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This bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

- (1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication 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 the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional’s care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient’s sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not completely and successfully treated; information concerning the

1 treatment and prevention of STDs, including the importance of  
2 completing the course of treatment, practicing abstinence for a  
3 certain period of time during and after treatment, informing the  
4 person's sexual partners of the risk of STD infection, and urging  
5 such partners to seek clinical treatment; notice advising a person to  
6 contact a health care professional, local board of health, or DOH  
7 with any questions regarding the information in the printed  
8 materials; notice that the person may be required to pay the cost of  
9 any prescribed medication; and any other information required by  
10 the DOH.

11 The bill also requires the DOH, in consideration of the  
12 recommendations and guidelines issued by the federal Centers for  
13 Disease Control and Prevention, to develop, and make available to  
14 health care professionals, informational materials and guidance  
15 concerning the safe and effective provision of EPT. DOH will also  
16 be authorized to offer educational programs about EPT for health  
17 care professionals and licensed pharmacists.

18 The bill provides immunity from civil and criminal liability, and  
19 immunity from professional disciplinary action, to any health care  
20 professional who provides EPT, and to any licensed pharmacist who  
21 dispenses a prescription for EPT medication. Such immunity would  
22 apply to any action or inaction that is taken in good faith, consistent  
23 with the provisions of the bill, but would not apply in the case of  
24 gross negligence or willful misconduct. The bill also provides  
25 immunity from civil and criminal liability, and immunity from  
26 professional disciplinary action, to any health care professional that  
27 elects not to provide EPT.

28 Nothing in the bill will require any health benefits plan or  
29 prescription benefits plan to pay for or provide reimbursement for  
30 EPT, unless the person receiving the therapy is listed as a  
31 beneficiary under the health benefits plan or prescription benefits  
32 plan of the patient who is initially diagnosed with the STD.

33 The Commissioner of Health will be required to adopt rules and  
34 regulations to effectuate the bill's provisions, including a list of  
35 STDs that may be treated through EPT.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4493

# STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 4493.

This bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, or physician assistant who is authorized to prescribe medications and treat STDs as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

(1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the prescription or medication 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 the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; the sexual partner is unable or unwilling to seek clinical services in a timely manner; and the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional’s care

who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient's sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not completely and successfully treated; information concerning the treatment and prevention of STDs, including the importance of completing the course of treatment, practicing abstinence for a certain period of time during and after treatment, informing the person's sexual partners of the risk of STD infection, and urging such partners to seek clinical treatment; notice advising a person to contact a health care professional, local board of health, or DOH with any questions regarding the information in the printed materials; notice that the person may be required to pay the cost of any prescribed medication; and any other information required by the DOH.

The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop, and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Such immunity would apply to any action or inaction that is taken in good faith, consistent with the provisions of the bill, but would not apply in the case of gross negligence or willful misconduct. The bill also provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional that elects not to provide EPT.

Nothing in the bill will require any health benefits plan or prescription benefits plan to pay for or provide reimbursement for EPT, unless the person receiving the therapy is listed as a beneficiary under the health benefits plan or prescription benefits plan of the patient who is initially diagnosed with the STD.

The Commissioner of Health will be required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4493**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 13, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4493, with committee amendments.

As amended by the committee, this bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

(1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication to the patient to give to the sexual partner;

(2) providing the patient with printed informational materials, which have been distributed by the Department of Health (DOH) pursuant to the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional's care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient's sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not completely and successfully treated; information concerning the treatment and prevention of STDs, including the importance of completing the course of treatment, practicing abstinence for a certain period of time during and after treatment, informing the person's sexual partners of the risk of STD infection, and urging such partners to seek clinical treatment; notice advising a person to contact a health care professional, local board of health, or DOH with any questions regarding the information in the printed materials; notice that the person may be required to pay the cost of any prescribed medication; and any other information required by the DOH.

The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop, and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. The DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Such immunity would apply to any action or inaction that is taken in good faith, consistent with the provisions of the bill, but would not apply in the case of gross negligence or willful misconduct. The bill also provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional that elects not to provide EPT.

As amended by the committee, nothing in the bill will require a patient's health benefits plan or prescription benefits plan to pay for or provide reimbursement for EPT for any person other than the patient, unless the person receiving the therapy is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

The Commissioner of Health will be required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.



COMMITTEE AMENDMENTS:

The committee amendments add certified nurse midwives into the list of professionals expressly authorized to provide expedited partner therapy (EPT) under the bill.

The committee amendments clarify that language concerning coverage of EPT by a health benefits plan applies to coverage under the patient's health benefits plan – if an individual receiving EPT under the bill is not otherwise listed as a beneficiary on the patient's health benefits plan, the patient's plan is not required to provide coverage for EPT for that individual.

FISCAL NOTE:

The Office of Legislative Services (OLS) anticipates that more patients will be treated for sexually transmitted diseases as a result of the bill. Annual State and local government expenditures will increase to the extent that the additional treatment will be dispensed to persons insured through State and local government employee health insurance plans. The State will also incur rising annual expenditures and federal Medicaid matching fund revenue to the extent that the Medicaid population will receive additional treatment. However, no data are available on the number of persons who will receive additional treatment and the specific treatments that will be prescribed and dispensed.

In the long run, the early detection and increased access to early treatment may exert downward pressure on the transmission rates of sexually transmitted diseases. Lower transmission rates, in turn, will decrease annual health care costs for the Medicaid system as well as State and local government employers. The OLS has no informational basis to quantify these long-term effects.

Lastly, the required development of informational materials regarding expedited partner therapy will produce an indeterminate one-time State expenditure increase to the Department of Health. Thereafter, the department will incur higher annual expenditures from having to regularly produce and distribute printed copies of the informational material to health care professionals. Additional expenditures may materialize periodically as the department updates the material.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 4493**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 5, 2019

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4493 (1R).

This bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

(1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication to the patient to give to the sexual partner;

(2) providing the patient with printed informational materials, which have been distributed by the Department of Health (DOH) pursuant to the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional's care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient's sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not completely and successfully treated; information concerning the treatment and prevention of STDs, including the importance of completing the course of treatment, practicing abstinence for a certain period of time during and after treatment, informing the person's sexual partners of the risk of STD infection, and urging such partners to seek clinical treatment; notice advising a person to contact a health care professional, local board of health, or DOH with any questions regarding the information in the printed materials; notice that the person may be required to pay the cost of any prescribed medication; and any other information required by the DOH.

The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop, and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. The DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Such immunity would apply to any action or inaction that is taken in good faith, consistent with the provisions of the bill, but would not apply in the case of gross negligence or willful misconduct. The bill also provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional that elects not to provide EPT.

Nothing in the bill will require a patient's health benefits plan or prescription benefits plan to pay for or provide reimbursement for EPT for any person other than the patient, unless the person receiving the therapy is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

The Commissioner of Health will be required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.

As reported, this bill is identical to Senate Bill No. 993 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate impact on State expenditures and revenues and certain local expenditures due to the countervailing effects of the bill: (1) annual State and local government expenditures will increase to the extent that additional treatment will be dispensed to persons insured through State and local government employee health insurance plans, as well as through the State Medicaid program; and (2) over time, annual State and local government expenditures will decrease due to lower sexually transmitted disease (STD) transmission rates. To the extent that State Medicaid expenditures are matched by federal Medicaid funds, State revenues will also be affected under this bill.

The Department of Health (DOH) will also incur costs in the required development, distributions, and maintenance of informational materials regarding expedited partner therapy (EPT).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4493

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 21, 2019

#### SUMMARY

- Synopsis:** Authorizes expedited partner therapy, under which sexual partners or patients diagnosed with sexually transmitted disease are treated without prior clinical examination.
- Type of Impact:** Indeterminate impact on State expenditures and revenues, General Fund; Indeterminate impact on expenditures for certain local units.
- Agencies Affected:** Department of Health; Division of Medical Assistance and Health Services, Department of Human Services; State Health Benefits Program; School Employees' Health Benefits Program; and health benefits plans offered by local units.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditures</b>	Indeterminate Impact
<b>State Revenue</b>	Indeterminate Impact
<b>Local Expenditures</b>	Indeterminate Impact

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate impact on State expenditures and revenues and certain local expenditures due to the countervailing effects of the bill: 1) annual State and local government expenditures will increase to the extent that additional treatment will be dispensed to persons insured through State and local government employee health insurance plans, as well as through the State Medicaid program; and 2) over time, annual State and local government expenditures will decrease due to lower sexually transmitted disease (STD) transmission rates. To the extent that State Medicaid expenditures are matched by federal Medicaid funds, State revenues will also be affected under this bill.
- The Department of Health (DOH) will also incur costs in the required development, distributions, and maintenance of informational materials regarding expedited partner therapy (EPT).

## **BILL DESCRIPTION**

This bill authorizes a health care professional to provide EPT, which is the practice of treating the sexual partner of a patient who has been diagnosed with a STD, without the need to first conduct a medical examination of the sexual partner. "Health care professional" is defined to mean a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to prescribe medications and treat STDs as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

- (1) prescribing or dispensing medication for the treatment of the sexual partner's STD and providing the prescription or medication to the patient to give to the sexual partner;
- (2) providing the patient with printed informational materials 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; the sexual partner is unable or unwilling to seek clinical services in a timely manner; and the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and regularly distribute an adequate supply of printed copies of the informational materials to health care professionals in the State. The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. The DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Nothing in the bill requires 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 EPT, unless the person receiving the therapy is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

The DOH is required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS anticipates that more patients will be treated for STDs as a result of the bill. Annual State and local government expenditures will increase to the extent that the additional treatment will be dispensed to persons insured through State and local government employee health insurance plans. The State will also incur rising annual expenditures and federal Medicaid matching fund revenue to the extent that the Medicaid population will receive additional treatment. However, no data are available on the number of persons who will receive additional treatment and the specific treatments that will be prescribed and dispensed.

The OLS notes that, under the bill, the DOH is required to consider recommendations and guidelines issued by the federal Centers for Disease Control (CDC) when establishing the list of STDs that may be treated through EPT. According to the CDC, EPT is the clinical practice of treating the sex partners of persons who receive chlamydia or gonorrhea diagnoses by providing medications or prescriptions to the patient. For reference, in 2016, the DOH indicates that there were 42,750 reported cases of chlamydial infection or gonorrhea. The OLS, however, cannot determine if the STDs that may be treated through EPT under the bill will be limited to these STDs or how many of the reported cases would be associated with persons insured through State and local government employee health insurance plans and Medicaid.

Over time, the early detection and increased access to early treatment may exert downward pressure on the transmission rates of STDs. Lower transmission rates, in turn, will decrease annual health care costs for the Medicaid system as well as State and local government employers, thereby offsetting any additional expenditures related to treatment under the bill. The OLS has no informational basis to quantify these long-term effects.

Lastly, the required development of informational materials regarding EPT will produce an indeterminate one-time State expenditure increase to the DOH. Thereafter, the department will incur higher annual expenditures from having to regularly produce and distribute printed copies of the informational material to health care professionals. Additional expenditures may materialize periodically as the department updates the material.

*Section: Human Services*

*Analyst: Sarah Schmidt  
Senior Research Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 993

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 16, 2018

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Authorizes expedited partner therapy, under which sexual partners of patients diagnosed with sexually transmitted disease are treated without prior clinical examination.

**CURRENT VERSION OF TEXT**

As introduced.





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

3

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

6

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

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

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

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

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

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

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

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

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

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

40 d. As used in this act:

41 "Commissioner" means the Commissioner of Health.

42 "Department" means the Department of Health.

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

1       2. a. The department shall develop and print written  
2 informational materials related to expedited partner therapy, in  
3 accordance with the provisions of this section, and shall regularly  
4 distribute an adequate supply of printed copies of the informational  
5 materials to health care professionals in the State. A health care  
6 professional who elects to provide expedited partner therapy shall  
7 hand out copies of the informational materials, which have been  
8 distributed by the department pursuant to this subsection, to each  
9 patient under the professional's care who is diagnosed with a  
10 sexually transmitted disease, for subsequent delivery by the patient  
11 to all of the patient's sexual partners who are eligible for expedited  
12 partner therapy.

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

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

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

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

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

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

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

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

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

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

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

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

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

27  
28 3. a. Except in the case of gross negligence or willful  
29 misconduct, a health care professional who provides expedited  
30 partner therapy pursuant to this act, and a licensed pharmacist who  
31 dispenses a prescription for medication issued for expedited partner  
32 therapy pursuant to this act, shall not be subject to civil or criminal  
33 liability or professional disciplinary action in connection with any  
34 act or omission taken in good faith consistent with the provisions of  
35 this act. A health care professional shall not be subject to civil or  
36 criminal liability or professional disciplinary action for choosing  
37 not to provide expedited partner therapy.

38 b. Nothing in this act shall be construed to require any health  
39 benefits plan or prescription benefits plan to pay for or provide  
40 reimbursement for expedited partner therapy provided pursuant to  
41 this act unless the person to whom expedited partner therapy is  
42 being provided is listed as a beneficiary under the health benefits  
43 plan or prescription benefits plan of the patient initially diagnosed  
44 with the sexually transmitted disease.

45  
46 4. This act shall take effect the first day of the fourth month  
47 next following the date of enactment.

STATEMENT

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This bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

- (1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication 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 the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional’s care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient’s sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not

1 completely and successfully treated; information concerning the  
2 treatment and prevention of STDs, including the importance of  
3 completing the course of treatment, practicing abstinence for a  
4 certain period of time during and after treatment, informing the  
5 person's sexual partners of the risk of STD infection, and urging  
6 such partners to seek clinical treatment; notice advising a person to  
7 contact a health care professional, local board of health, or DOH  
8 with any questions regarding the information in the printed  
9 materials; notice that the person may be required to pay the cost of  
10 any prescribed medication; and any other information required by  
11 the DOH.

12 The bill also requires the DOH, in consideration of the  
13 recommendations and guidelines issued by the federal Centers for  
14 Disease Control and Prevention, to develop, and make available to  
15 health care professionals, informational materials and guidance  
16 concerning the safe and effective provision of EPT. DOH will also  
17 be authorized to offer educational programs about EPT for health  
18 care professionals and licensed pharmacists.

19 The bill provides immunity from civil and criminal liability, and  
20 immunity from professional disciplinary action, to any health care  
21 professional who provides EPT, and to any licensed pharmacist who  
22 dispenses a prescription for EPT medication. Such immunity would  
23 apply to any action or inaction that is taken in good faith, consistent  
24 with the provisions of the bill, but would not apply in the case of  
25 gross negligence or willful misconduct. The bill also provides  
26 immunity from civil and criminal liability, and immunity from  
27 professional disciplinary action, to any health care professional that  
28 elects not to provide EPT.

29 Nothing in the bill will require any health benefits plan or  
30 prescription benefits plan to pay for or provide reimbursement for  
31 EPT, unless the person receiving the therapy is listed as a  
32 beneficiary under the health benefits plan or prescription benefits  
33 plan of the patient who is initially diagnosed with the STD.

34 The Commissioner of Health will be required to adopt rules and  
35 regulations to effectuate the bill's provisions, including a list of  
36 STDs that may be treated through EPT.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 993**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 3, 2019

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 993.

As amended by the committee, this bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

(1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication to the patient to give to the sexual partner;

(2) providing the patient with printed informational materials, which have been distributed by the Department of Health (DOH) pursuant to the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional's care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient's sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not completely and successfully treated; information concerning the treatment and prevention of STDs, including the importance of completing the course of treatment, practicing abstinence for a certain period of time during and after treatment, informing the person's sexual partners of the risk of STD infection, and urging such partners to seek clinical treatment; notice advising a person to contact a health care professional, local board of health, or DOH with any questions regarding the information in the printed materials; notice that the person may be required to pay the cost of any prescribed medication; and any other information required by the DOH.

The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop, and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. The DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Such immunity would apply to any action or inaction that is taken in good faith, consistent with the provisions of the bill, but would not apply in the case of gross negligence or willful misconduct. The bill also provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional that elects not to provide EPT.

As amended by the committee, nothing in the bill will require a patient's health benefits plan or prescription benefits plan to pay for or provide reimbursement for EPT for any person other than the patient, unless the person receiving the therapy is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

The Commissioner of Health will be required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.

COMMITTEE AMENDMENTS:

The committee amendments add certified nurse midwives into the list of professionals expressly authorized to provide expedited partner therapy (EPT) under the bill.

The committee amendments clarify that language concerning coverage of EPT by a health benefits plan applies to coverage under the patient's health benefits plan – if an individual receiving EPT under the bill is not otherwise listed as a beneficiary on the patient's health benefits plan, the patient's plan is not required to provide coverage for EPT for that individual.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 993**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 5, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 993 (1R).

This bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

(1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication to the patient to give to the sexual partner;

(2) providing the patient with printed informational materials, which have been distributed by the Department of Health (DOH) pursuant to the bill’s provisions, 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and 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 EPT will be required to hand out copies of the informational materials to each patient under the professional's care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient's sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; 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 STD is not completely and successfully treated; information concerning the treatment and prevention of STDs, including the importance of completing the course of treatment, practicing abstinence for a certain period of time during and after treatment, informing the person's sexual partners of the risk of STD infection, and urging such partners to seek clinical treatment; notice advising a person to contact a health care professional, local board of health, or DOH with any questions regarding the information in the printed materials; notice that the person may be required to pay the cost of any prescribed medication; and any other information required by the DOH.

The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop, and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. The DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Such immunity would apply to any action or inaction that is taken in good faith, consistent with the provisions of the bill, but would not apply in the case of gross negligence or willful misconduct. The bill also provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional that elects not to provide EPT.

Nothing in the bill will require a patient's health benefits plan or prescription benefits plan to pay for or provide reimbursement for EPT for any person other than the patient, unless the person receiving the therapy is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

The Commissioner of Health will be required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.

As reported, this bill is identical to Assembly Bill No. 4493 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate impact on State expenditures and revenues and certain local expenditures due to the countervailing effects of the bill: (1) annual State and local government expenditures will increase to the extent that additional treatment will be dispensed to persons insured through State and local government employee health insurance plans, as well as through the State Medicaid program; and (2) over time, annual State and local government expenditures will decrease due to lower sexually transmitted disease (STD) transmission rates. To the extent that State Medicaid expenditures are matched by federal Medicaid funds, State revenues will also be affected under this bill.

The Department of Health (DOH) will also incur costs in the required development, distributions, and maintenance of informational materials regarding expedited partner therapy (EPT).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 993

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: OCTOBER 22, 2019

#### SUMMARY

- Synopsis:** Authorizes expedited partner therapy, under which sexual partners of patients diagnosed with sexually transmitted disease are treated without prior clinical examination.
- Type of Impact:** Indeterminate impact on State expenditures and revenues, General Fund; Indeterminate impact on expenditures for certain local units.
- Agencies Affected:** Department of Health; Division of Medical Assistance and Health Services, Department of Human Services; State Health Benefits Program; School Employees' Health Benefits Program; and health benefits plans offered by local units.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditures</b>	Indeterminate Impact
<b>State Revenue</b>	Indeterminate Impact
<b>Local Expenditures</b>	Indeterminate Impact

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate impact on State expenditures and revenues and certain local expenditures due to the countervailing effects of the bill: 1) annual State and local government expenditures will increase to the extent that additional treatment will be dispensed to persons insured through State and local government employee health insurance plans, as well as through the State Medicaid program; and 2) over time, annual State and local government expenditures will decrease due to lower sexually transmitted disease (STD) transmission rates. To the extent that State Medicaid expenditures are matched by federal Medicaid funds, State revenues will also be affected under this bill.
- The Department of Health (DOH) will also incur costs in the required development, distributions, and maintenance of informational materials regarding expedited partner therapy (EPT).

## **BILL DESCRIPTION**

This bill authorizes a health care professional to provide EPT, which is the practice of treating the sexual partner of a patient who has been diagnosed with a STD, without the need to first conduct a medical examination of the sexual partner. "Health care professional" is defined to mean a physician, advanced practice nurse, certified nurse midwife, or physician assistant who is authorized to prescribe medications and treat STDs as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

- (1) prescribing or dispensing medication for the treatment of the sexual partner's STD and providing the prescription or medication to the patient to give to the sexual partner;
- (2) providing the patient with printed informational materials 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 STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; the sexual partner is unable or unwilling to seek clinical services in a timely manner; and the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and regularly distribute an adequate supply of printed copies of the informational materials to health care professionals in the State. The bill also requires the DOH, in consideration of the recommendations and guidelines issued by the federal Centers for Disease Control and Prevention, to develop and make available to health care professionals, informational materials and guidance concerning the safe and effective provision of EPT. The DOH will also be authorized to offer educational programs about EPT for health care professionals and licensed pharmacists.

The bill provides immunity from civil and criminal liability, and immunity from professional disciplinary action, to any health care professional who provides EPT, and to any licensed pharmacist who dispenses a prescription for EPT medication. Nothing in the bill requires 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 EPT, unless the person receiving the therapy is listed as a beneficiary under the patient's health benefits plan or prescription benefits plan.

The DOH is required to adopt rules and regulations to effectuate the bill's provisions, including a list of STDs that may be treated through EPT.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS anticipates that more patients will be treated for STDs as a result of the bill. Annual State and local government expenditures will increase to the extent that the additional treatment will be dispensed to persons insured through State and local government employee health insurance plans. The State will also incur rising annual expenditures and federal Medicaid matching fund revenue to the extent that the Medicaid population will receive additional treatment. However, no data are available on the number of persons who will receive additional treatment and the specific treatments that will be prescribed and dispensed.

The OLS notes that, under the bill, the DOH is required to consider recommendations and guidelines issued by the federal Centers for Disease Control (CDC) when establishing the list of STDs that may be treated through EPT. According to the CDC, EPT is the clinical practice of treating the sex partners of persons who receive chlamydia or gonorrhea diagnoses by providing medications or prescriptions to the patient. For reference, in 2018, the DOH indicates that there were 45,616 reported cases of chlamydial infection or gonorrhea. The OLS, however, cannot determine if the STDs that may be treated through EPT under the bill will be limited to these STDs or how many of the reported cases would be associated with persons insured through State and local government employee health insurance plans and Medicaid.

Over time, the early detection and increased access to early treatment may exert downward pressure on the transmission rates of STDs. Lower transmission rates, in turn, will decrease annual health care costs for the Medicaid system as well as State and local government employers, thereby offsetting any additional expenditures related to treatment under the bill. The OLS has no informational basis to quantify these long-term effects.

Lastly, the required development of informational materials regarding EPT will produce an indeterminate one-time State expenditure increase to the DOH. Thereafter, the department will incur higher annual expenditures from having to regularly produce and distribute printed copies of the informational material to health care professionals. Additional expenditures may materialize periodically as the department updates the material.

*Section: Human Services*

*Analyst: Sarah Schmidt  
Senior Research Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

01/13/2020

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**A268 (Kean, Egan, Holley/Singer, Gopal)** - "P.I.C.K. Awareness Act"; authorizes issuance of special support recovery license plates.

**A790 (Andrzejczak, Land, Mosquera, Mukherji, Downey, Zwicker, Mazzeo/Connors, Singleton)** - "Combat to College Act"; grants priority course registration to military service members and veterans attending public institutions of higher education.

**A791 (Andrzejczak, Land, Mosquera, Danielsen, Mukherji, Downey, Zwicker/Van Drew, Brown)** - Requires institution of higher education to award appropriate credit for student's military service.

**A1212 (McKeon, Gusciora, Vainieri Huttie/Sweeney, Smith, Bateman, Greenstein)** - Clarifies intent of P.L.2007, c.340 regarding NJ's required participation in Regional Greenhouse Gas Initiative.

**A1305 (Greenwald/Rice)** - Renames Mountainview Youth Correctional Facility as "William H. Fauver Youth Correctional Facility."

**A1576 (Conaway, Giblin/Vitale)** - Requires certain health care facilities to provide, and employees to receive, annual influenza vaccination.

**A1582 (Conaway, Moriarty, Mosquera, Benson, Pinkin, Giblin, Quijano/Weinberg, Ruiz)** - Establishes "Dietetics and Nutrition Licensing Act".

**A1991 (Sumter, Munoz, Mukherji/Singer, Gordon)** - Requires students at institutions of higher education to receive immunization for meningitis in accordance with recommendations of Advisory Committee on Immunization Practices.

**A3101 (Egan Jones, Benson, Land/Singleton)** - Increases minimum annual amounts for appropriation for certain arts, historical heritage, and tourism purposes from hotel and motel occupancy fee revenues.

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**A3160 (Lampitt, Giblin, Murphy/Beach)** - Permits cosmetology and hairstyling school clinics to charge certain fees for services rendered to general public.

**A3832 (Mukherji, McKnight, Chiaravalloti/Cryan, Stack)** - Authorizes municipal tax levy through public question for certain purposes; clarifies ability of local government entities to issue non-recourse bonds; appropriates \$100,000.

**A4493 (Pinkin, Conaway, Vainieri Huttie/Vitale)** - Authorizes expedited partner therapy, under which sexual partners or patients diagnosed with sexually transmitted disease are treated without prior clinical examination.

**A4608 (Zwicker, Downey/Weinberg, Kean)** - " Applied Behavior Analyst Licensing Act."

**A4710 (Lampitt, Zwicker, Vainieri Huttie/Beach,Turner)** - "Strengthening Gifted and Talented Education Act"; establishes school district responsibilities in educating gifted and talented students.

**A5037 (Pintor Marin, Speight, Vainieri Huttie/Andrzejczak, Greenstein)** - Enhances penalties related to counterfeit drugs.

**A5091 (McKeon, Vainieri Huttie, Pinkin/Pou, Singleton)** - Establishes "Safeguarding Against Financial Exploitation Act."

**A5263 (Tully, Armato/Corrado)** - Requires four-year public institution of higher education to award college credits to firefighters for certain courses completed at county fire academies.

**A5277 (DeAngelo, Houghtaling/Greenstein)** - Eliminates term limits for members of State Board of Examiners of Master Plumbers and State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

**A5624 (Pintor Marin, Munoz, Lampitt/Weinberg, Corrado)** - Requires that State employee serve as Equal Employment Opportunity and Affirmative Action officer for gubernatorial transitions.

**A5625 (Pintor Marin, Munoz, Lampitt/Weinberg, Corrado)** - Requires payment of expenses related to background investigations for certain gubernatorial transition positions.

**A5628 (Pintor Marin, Munoz, McKnight/Weinberg, Corrado)** - Requires Civil Service Commission establish standardize recordkeeping and retention requirements with regard to unclassified State employees.

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**A5631 (Pintor Marin, Munoz, Pinkin/Weinberg, Corrado)** - Specifies certain requirements for State agency review of complaint of workplace discrimination.

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**A5632 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg)** - Requires certain public employees receive additional training to manage harassment or discrimination complaints.

**A5917 (Chiaravalloti, McKnight/Cunningham, Weinberg)** - Expands DOH oversight of hospital finances.

**A6007 (McKeon/Pou)** - Requires insurers and insurance groups to submit corporate governance annual disclosure to DOBI Commissioner.

**S463 (Singer, Greenstein/Dancer, Calabrese, DeAngelo)** - Provides for voluntary contributions by taxpayers on gross income tax returns for Meals on Wheels.

**S538 (Oroho, Stack/Wirths, Vaineri Huttie, Bucco)** - Allows long term tax exemption extension for certain low-income housing.

**S775 (Cunningham, Sacco/Sumter, Caride, Vainieri Huttie)** - Establishes Tuition Aid Grant Study Commission to examine New Jersey's Tuition Aid Grant Program and make recommendations regarding improvements to program.

**S778 (Cunningham, Kean/Quijano, Jasey, Pintor Marin)** - Establishes Campus Sexual Assault Commission.

**S1493 (Stack, Singleton/Quijano, Chaparro, Timberlake)** - Prohibits landlords from requiring residential tenants to pay rent and other related charges through electronic funds transfer; requires landlords to provide receipts for cash payments.

**S1508 (Turner, Singleton/Reynolds-Jackson, Sumter, Wimberly)** - Eliminates motor vehicle surcharges following retirement of bonds and debts tied to surcharges.

**S1834 (Ruiz, Cunningham/Quijano, Murphy)** - Requires each public institution of higher education to post its budget on the institution's website.

**S1953 (Oroho, Cruz-Perez/Space, Andrzejcack, Wirths)** - Directs Dept. of Agriculture to authorize and advise food hubs.

**S1966 (Sweeney, Singleton/Taliaferro)** - Increases death benefit of active member of PFRS and SPRS to 50 percent of final compensation for surviving child or children.

**S2527 (Ruiz, Turner/Lampitt, Quijano, Timberlake)** - Requires Department of Agriculture to promote school meal programs.

**S2533 (Greenstein, Cruz-Perez/Vainieri Huttie, Lopez, Timberlake)** - Requires Office of Victim-Witness Advocacy to provide services to certain inmates.

**S2898 (Madden, Sarlo/Murphy, Mosquera, Vainieri Huttie)** - Establishes "New Jersey Fire and EMS Crisis Intervention Services" telephone hotline; provides funding for hotline through fire inspection fees and penalties.

**S2980 (Ruiz/Lampitt, McKnight)** - Provides that school district may not condition student enrollment in district on fact that MVC does not have name or address of parent or guardian on file.

**S2982 (Ruiz/Lampitt, Mukherji, Lopez)** - Clarifies that child may not be excluded from public school based on membership in protected category under "Law Against Discrimination" or immigration status.



**S2998 (Ruiz/Freiman, Downey)** - Requires creditors to make certain disclosures regarding collateral protection insurance to consumer debtors.

**S3064 (Ruiz, Singleton/Armato, Conaway, Swain)** - Establishes task force to develop State-wide plan to diversify apprenticeships.

**S3066 (Ruiz, Singleton/Lampitt, Mukherji, Benson)** - Creates five year High-Growth Industry Regional Apprenticeship Development Grant Pilot Program.

**S3118 (Ruiz/Speight, Munoz, Tucker)** - Establishes public awareness campaign to promote early conversations about advance care planning and end-of-life care.

**S3124 (Stack/Mukherji)** - Requires landlords to allow tenants to pay rent up to three business days after eviction order or lockout is executed and accept rent payments by any means.

**S3206 (Pou, Cruz-Perez/Lopez, McKeon, Murphy)** - Establishes "Unbanked and Underbanked Consumers Study Commission."

**S3215 (Greenstein, Singleton/Zwicker, Mukherji, Swain)** - Requires State to use 20-year time horizon and most recent Intergovernmental Panel on Climate Change Assessment Report when calculating global warming potential to measure global warming impact of greenhouse gases.

**S3246 (Sarlo, Singleton, Oroho, Bucco/Benson, Bucco, Freiman)** - Establishes elective pass-through entity business alternative income tax and allows corresponding refundable gross income tax and corporation business tax credit.

**S3327 (Ruiz, Cruz-Perez/Lopez, Timberlake)** - Establishes Commission on Latino and Hispanic Heritage in DOE.

**S3348 (Weinberg/Vainieri Huttle, McKnight)** - Requires home health agencies and specialty pharmacies providing services related to bleeding episodes associated with hemophilia to comply with certain minimum practice standards.

**S3528 (Scutari, Codey/Vainieri Huttle, Quijano, Kennedy)** - Establishes process to obtain judgement of adoption for civil union partner or spouse of natural or legal parent of child when that person is named as parent on child's birth certificate.

**S3574 (Scutari, Kean, Cryan/Carter, Kennedy, Freiman)** - Requires NJT to conduct feasibility study on restoring one-seat ride to Manhattan on Raritan Valley Line.

Governor Murphy conditionally vetoed the following bills:

**A2431 (Benson, Jimenez, DeCroce, Eustace/Weinberg, Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage.

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**A4978 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances.

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**S3920 (Pou/Wimberly, Sumter)** – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes.

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Governor Murphy absolute vetoed the following bill:

**S4139 (Greenstein/Benson)** - Makes Fiscal Year 2020 supplemental appropriation of \$250,000 to Rutgers University - New Brunswick for School of Dental Medicine - Special Care Treatment Center.

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