

1 A bill to be entitled

2 An act relating to an infectious disease elimination  
3 pilot program; amending s. 381.0038, F.S.; authorizing  
4 the University of Miami and its affiliates to  
5 establish sterile needle and syringe exchange pilot  
6 programs in Broward County and Palm Beach County;  
7 establishing the pilot program criteria; providing  
8 that the possession, distribution, or exchange of  
9 needles and syringes under the pilot program is not a  
10 violation of the Florida Comprehensive Drug Abuse  
11 Prevention and Control Act or any other law; providing  
12 conditions under which a pilot program staff member,  
13 volunteer, or participant may be prosecuted; requiring  
14 the pilot program to collect certain data for  
15 reporting purposes; prohibiting the collection of  
16 personal identifying information from program  
17 participants; requiring the university and its  
18 affiliates to submit quarterly and annual reports to  
19 the Department of Health; requiring the university and  
20 its affiliates to submit a final report containing  
21 certain information and summaries to the department;  
22 prohibiting use of state, county, or municipal funds  
23 to operate the pilot program; requiring the pilot  
24 program to be funded through private grants and  
25 donations; providing for expiration of the pilot

26 program; providing an effective date.

27

28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Subsection (4) of section 381.0038, Florida  
 31 Statutes, is amended to read:

32 381.0038 Education; sterile needle and syringe exchange  
 33 pilot program.—The Department of Health shall establish a  
 34 program to educate the public about the threat of acquired  
 35 immune deficiency syndrome.

36 (4) The University of Miami and its affiliates may  
 37 establish a ~~single~~ sterile needle and syringe exchange pilot  
 38 program in Miami-Dade County, Broward County, and Palm Beach  
 39 County. The pilot program may operate at a fixed location or  
 40 through a mobile health unit. The pilot program shall offer the  
 41 free exchange of clean, unused needles and hypodermic syringes  
 42 for used needles and hypodermic syringes as a means to prevent  
 43 the transmission of HIV, AIDS, viral hepatitis, or other blood-  
 44 borne diseases among intravenous drug users and their sexual  
 45 partners and offspring.

46 (a) The pilot program must:

47 1. Provide for maximum security of exchange sites and  
 48 equipment, including an accounting of the number of needles and  
 49 syringes in use, the number of needles and syringes in storage,  
 50 safe disposal of returned needles, and any other measure that

51 | may be required to control the use and dispersal of sterile  
52 | needles and syringes.

53 |       2. Operate a one-to-one exchange, whereby the participant  
54 | shall receive one sterile needle and syringe unit in exchange  
55 | for each used one.

56 |       3. Make available educational materials and referrals to  
57 | education regarding the transmission of HIV, viral hepatitis,  
58 | and other blood-borne diseases; provide referrals for drug abuse  
59 | prevention and treatment; and provide or refer for HIV and viral  
60 | hepatitis screening.

61 |       (b) The possession, distribution, or exchange of needles  
62 | or syringes as part of the pilot program established under this  
63 | subsection is not a violation of any part of chapter 893 or any  
64 | other law.

65 |       (c) A pilot program staff member, volunteer, or  
66 | participant is not immune from criminal prosecution for:

67 |       1. The possession of needles or syringes that are not a  
68 | part of the pilot program; or

69 |       2. The redistribution of needles or syringes in any form,  
70 | if acting outside the pilot program.

71 |       (d) The pilot program must collect data for quarterly,  
72 | annual, and final reporting purposes. The annual report must  
73 | include information on the number of participants served, the  
74 | number of needles and syringes exchanged and distributed, the  
75 | demographic profiles of the participants served, the number of

76 participants entering drug counseling and treatment; the number  
77 of participants receiving testing for HIV, AIDS, viral  
78 hepatitis, or other blood-borne diseases; and other data  
79 necessary for the pilot program. However, personal identifying  
80 information may not be collected from a participant for any  
81 purpose. Quarterly reports must be submitted to the Department  
82 of Health ~~in Miami-Dade County~~ by October 15, January 15, April  
83 15, and July 15 of each year. An annual report must be submitted  
84 to the Department of Health by August 1 every year until the  
85 program expires. A final report is due on August 1, 2023 ~~2021~~,  
86 to the Department of Health and must describe the performance  
87 and outcomes of the pilot program and include a summary of the  
88 information in the annual reports for all pilot program years.

89 (e) State, county, or municipal funds may not be used to  
90 operate the pilot program. The pilot program shall be funded  
91 through grants and donations from private resources and funds.

92 (f) The pilot program shall expire July 1, 2023 ~~2021~~.

93 Section 2. This act shall take effect July 1, 2018.