

1 "biomedical waste generator" to include an
2 access program for sterile syringes; providing
3 an appropriation; providing an effective date.
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5 WHEREAS, in 2002 Florida ranked second among the states
6 in the number of reported acquired immune deficiency (AIDS)
7 cases, and

8 WHEREAS, in the same year, Florida ranked second among
9 the states that report human immunodeficiency virus (HIV)
10 cases, and

11 WHEREAS, by 2000 the number of Floridians living with
12 AIDS was approximately 95,000, and

13 WHEREAS, about one in every 3 persons living with HIV
14 or AIDS is female, and

15 WHEREAS, more than a million people in the United
16 States are frequent intravenous drug users at a cost to
17 society in health care, lost productivity, accidents, and
18 crime of more than \$50 billion annually, and

19 WHEREAS, access programs for sterile syringes have been
20 proven effective in reducing the spread of HIV, hepatitis C,
21 and other blood-borne pathogens without increasing drug abuse
22 or other adverse social impacts, yet Florida remains one of
23 only two states nationwide which does not provide access to
24 sterile syringes in order to prevent the spread of disease,
25 and

26 WHEREAS, every scientific, medical, and professional
27 agency or organization that has studied this issue, including
28 the federal Centers for Disease Control and Prevention, the
29 American Medical Association, the American Public Health
30 Association, the National Academy of Sciences, the National
31 Institutes of Health Consensus Panel, the American Academy of

1 Pediatrics, and the United States Conference of Mayors, has
2 found access programs for sterile syringes to be effective in
3 reducing the transmission of HIV, and

4 WHEREAS, access programs for sterile syringes are
5 designed to prevent the spread of HIV, hepatitis C, and other
6 blood-borne pathogens, and to provide a bridge to drug-abuse
7 treatment and other social services for drug users, and

8 WHEREAS, it is in the public interest to encourage the
9 development of such programs in Florida in accordance with
10 statutory guidelines designed to ensure the safety of the
11 consumers who use these programs, the health care workers who
12 operate them, and the general public, NOW, THEREFORE,

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

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16 Section 1. Access programs for sterile syringes,--

17 (1) The Department of Health shall prescribe by rule
18 requirements for a municipality to establish or otherwise
19 authorize the operation within that municipality of an access
20 program for sterile syringes for the purpose of providing for
21 the exchange of hypodermic syringes and needles in accordance
22 with this section.

23 (2) The department shall:

24 (a) Require that an application be submitted on a form
25 and in a manner prescribed by the department from any
26 municipality that seeks to establish an access program or from
27 other entities authorized to operate an access program within
28 that municipality;

29 (b) Approve an application that meets the requirements
30 established by the department and contract with the
31 municipality or entity whose application is approved to

1 establish an access program to operate such program in any
2 municipality in which the governing body has authorized the
3 operation of the access program within that municipality by
4 ordinance;

5 (c) Support and facilitate the linkage of an access
6 program to a health care facility, including mental health and
7 substance abuse treatment, housing assistance, career and
8 employment-related counseling, and education counseling, to
9 consumers participating in any such program;

10 (d) Provide for the adoption of a uniform
11 identification card or other uniform means of identification
12 for consumers, staff, and volunteers of an access program; and

13 (e) Maintain a record of data reported to the
14 department by each access program pursuant to paragraph
15 (5)(1).

16 (3) The department may accept funds made available
17 from the private sector to fulfill the purposes of this
18 section.

19 (4) A municipality may establish or authorize the
20 establishment of an access program that is approved by the
21 department to provide for the exchange of hypodermic syringes
22 and needles.

23 (a) A municipality that establishes an access program
24 at a fixed location or through a mobile-access component may
25 operate the program directly or contract with one or more of
26 the following entities to operate the program: a hospital or
27 other health care facility licensed under chapter 395, Florida
28 Statutes, a federal qualified health center, a public health
29 agency, a program for substance abuse treatment, an AIDS
30 service organization, or another nonprofit entity designated
31 by the municipality. These entities may contract directly with

1 the department in any municipality in which the governing body
2 has authorized the operation of an access program by ordinance
3 pursuant to paragraph (b). The municipality or entity under
4 contract shall implement the access program in consultation
5 with a federally qualified health center, the Office of
6 Minority Health, and the Minority HIV/AIDS Task Force within
7 the department in a culturally competent manner.

8 (b) Pursuant to paragraph (2)(b), a municipality whose
9 governing body has authorized the operation of an access
10 program within the municipality may require an entity
11 described in paragraph (a) to obtain approval from the
12 department to operate such a program or may permit the entity
13 to obtain approval to operate such a program by application
14 directly to the department without prior approval from the
15 municipality.

16 (c) Two or more municipalities may jointly establish
17 or authorize establishment of an access program that operates
18 within those municipalities pursuant to the adoption of an
19 ordinance by each participating municipality pursuant to this
20 section.

21 (5) An access program for sterile syringes shall:

22 (a) Provide sterile syringes and needles at no cost to
23 consumers 18 years of age and older.

24 (b) Train and regularly supervise program staff in
25 harm reduction, substance abuse treatment, medical and social
26 service referrals, and procedures for infection control,
27 including universal precautions and protocol following a
28 needle-stick injury.

29 (c) Maintain records of staff and volunteer training
30 and of screening for hepatitis C and tuberculosis which is
31 provided to volunteers and staff.

1 (d) Offer information about HIV, hepatitis C, and
2 other blood-borne pathogens and materials on prevention at no
3 cost to consumers.

4 (e) Educate each consumer about safe and proper
5 disposal of needles and syringes.

6 (f) Provide information and referrals to consumers,
7 including HIV-testing options, provide access to programs for
8 substance abuse treatment, and available health care and
9 social services that are relevant to the consumer's needs,
10 encourage consumers to receive an HIV test, and, when
11 appropriate, develop an individualized plan for substance
12 abuse treatment for each participating consumer.

13 (g) Prevent consumers who are younger than 18 years of
14 age from having access to syringes and needles, and refer them
15 to substance abuse treatment and other appropriate programs
16 for youth.

17 (h) Develop a plan for the handling and disposal of
18 used syringes and needles pursuant to s. 381.0098, Florida
19 Statutes.

20 (i) Maintain the confidentiality of consumers by the
21 use of confidential identifiers that consist of the first two
22 letters of the first name of the consumer's mother and the
23 two-digit day of birth and two-digit year of birth of the
24 consumer, or by the use of another uniform mechanism that is
25 approved by the department for this purpose.

26 (j) Provide a uniform identification card that is
27 approved by the department to consumers and to staff and
28 volunteers involved in transporting, exchanging, or possessing
29 syringes and needles.

30 (k) Provide consumers at the time of enrollment with a
31 schedule of program operation hours and locations, in addition

1 to information about prevention and harm reduction and
2 services for substance abuse treatment.

3 (1) Establish and implement accurate data-collection
4 methods and procedures as required by the department for the
5 purpose of evaluating the access programs, including the
6 monitoring and evaluation on a quarterly basis of:

7 1. Participation rates for the access program,
8 including the number of consumers who enter substance abuse
9 treatment programs and the status of their treatment;

10 2. The effectiveness of the access program in meeting
11 its objectives, including, but not limited to, return rates of
12 syringes and needles distributed to consumers and the impact
13 of the access program on intravenous drug use; and

14 3. The number and type of referrals provided by the
15 access program and the specific actions taken by the program
16 on behalf of each consumer.

17 (6) A municipality may terminate an access program
18 that is operating within that municipality if its governing
19 body approves such an action by ordinance, in which case the
20 municipality shall notify the department of its action in a
21 manner described by the department.

22 (7) The department shall submit a report to the
23 Governor, the President of the Senate, and the Speaker of the
24 House of Representatives by July 1, 2007, and biannually
25 thereafter, on the status of the access programs and shall
26 include in that report the data provided to the department by
27 each access program pursuant to paragraph (5)(1).

28 (8) The department shall report to the Governor, the
29 President of the Senate, and the Speaker of the House of
30 Representatives no later than 6 months after the date the
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1 initial access program commences its operations, and shall
2 include in that report:

3 (a) An assessment of whether an adequate number of
4 program slots for substance abuse treatment is available to
5 meet the treatment needs of persons who have been referred to
6 programs for substance abuse treatment by the access programs
7 pursuant to paragraph (5)(f); and

8 (b) A recommendation for such appropriation as the
9 department determines necessary to ensure the provision of an
10 adequate number of program slots for substance abuse treatment
11 for those persons.

12 (9) The department shall contract with an entity that
13 is independent of the department to prepare a detailed
14 analysis of the access programs, and to report on the results
15 of that analysis to the Governor, the President of the Senate,
16 and the Speaker of the House of Representatives by July 1,
17 2008. The analysis must include, but need not be limited to:

18 (a) Any increase or decrease in the spread of HIV,
19 hepatitis C, and other blood-borne pathogens that may be
20 transmitted by the use of contaminated syringes and needles;

21 (b) The number of exchanged syringes and needles and
22 an evaluation of the disposal of syringes and needles that are
23 not returned by consumers;

24 (c) The number of consumers participating in the
25 access programs and an assessment of their reasons for
26 participating in the programs;

27 (d) The number of consumers in the access programs who
28 participated in programs for substance abuse treatment; and

29 (e) The number of consumers in the access programs who
30 benefited from counseling and referrals to programs and
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1 entities that are relevant to their health, housing, social
2 service, employment, and other needs.

3 (10) The department, in consultation with the
4 Department of Environmental Protection, shall adopt rules
5 governing the disposal of syringes and needles.

6 (11) The possession of a hypodermic syringe or needle
7 by a consumer who participates in, or is an employee or
8 volunteer of, an access program does not constitute the
9 possession of drug paraphernalia pursuant to ss. 893.145 and
10 893.146, Florida Statutes. This subsection applies to a
11 hypodermic syringe or needle that contains a residual amount
12 of a controlled substance specified in chapter 893, Florida
13 Statutes.

14 (12)(a) The Department of Environmental Protection in
15 consultation with the Department of Health shall prepare and
16 adopt a sharps-disposal component as part of the local
17 hazardous waste management plan required pursuant to part IV
18 of chapter 403, Florida Statutes, to provide for the proper
19 and safe disposal of medical waste generated at home within
20 each municipality.

21 (b) The sharps-disposal component of the local
22 hazardous waste management plan shall be developed in
23 consultation with a work group established by the governing
24 body of the affected county which includes persons not
25 employed by or affiliated with the county who have a
26 demonstrated interest or expertise in the use and disposal of
27 sharps, including, but not limited to, representatives of
28 waste management companies, persons with diabetes, and
29 licensed health care facilities.

30 (c) The Department of Environmental Protection shall
31 provide financial assistance for the purpose of this

1 subsection to the various counties to implement the
2 sharps-disposal component of the hazardous waste management
3 plan. The Department of Environmental Protection may accept
4 funds made available from the private sector to fulfill the
5 purposes of this subsection.

6 (d) The Department of Environmental Protection, in
7 consultation with the Department of Health, shall adopt rules
8 to administer this subsection.

9 Section 2. Subsection (38) of section 403.703, Florida
10 Statutes, is amended to read:

11 403.703 Definitions.--As used in this act, unless the
12 context clearly indicates otherwise, the term:

13 (38) "Biomedical waste generator" means a facility or
14 person that produces or generates biomedical waste. The term
15 includes, but is not limited to, hospitals, skilled nursing or
16 convalescent hospitals, intermediate care facilities, clinics,
17 dialysis clinics, dental offices, health maintenance
18 organizations, surgical clinics, medical buildings,
19 physicians' offices, laboratories, veterinary clinics, access
20 programs for sterile syringes, and funeral homes.

21 Section 3. The sum of \$10 million is appropriated from
22 the General Revenue Fund to the Department of Health for the
23 purpose of operating inpatient or residential programs for
24 substance abuse treatment for patients having a primary
25 diagnosis of drug addiction.

26 Section 4. This act shall take effect July 1, 2006.
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SENATE SUMMARY

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3 Requires the Department of Health to authorize a
4 municipality to establish an access program for sterile
5 syringes. Provides duties of the department. Authorizes a
6 municipality to contract with certain entities to operate
7 an access program. Requires a contracting entity to
8 obtain approval from the department. Authorizes two or
9 more municipalities to establish or authorize the
10 operation of an access program. Provides requirements for
11 an access program. Authorizes a municipality to terminate
12 an access program. Requires the department to contract
13 with an entity to prepare an analysis of the access
14 programs in the state. Requires the Department of Health
15 and the Department of Environmental Protection to adopt
16 rules. Requires the Department of Environmental
17 Protection and the Department of Health to prepare and
18 adopt a sharps-disposal component. Requires the
19 Department of Environmental Protection to provide
20 financial assistance for the sharps-disposal component.
21 Provides an appropriation.
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