



428062

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Health Policy (Braynon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 381.0038, Florida Statutes, to read:

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

(4) The department shall establish a sterile needle and syringe exchange pilot program in Miami-Dade County. The pilot



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13 program shall be administered by the department or the
14 department's designee. The department is authorized to designate
15 one of the following entities to operate the pilot program at a
16 fixed location or through a mobile health unit: a hospital
17 licensed under chapter 395, a health care clinic licensed under
18 part X of chapter 400, a substance abuse treatment program, an
19 HIV or AIDS service organization, or another nonprofit entity
20 designated by the department. The pilot program shall offer the
21 free exchange of clean unused needles and hypodermic syringes
22 for used needles and hypodermic syringes as a means to prevent
23 the transmission of HIV, AIDS, viral hepatitis, or other blood-
24 borne diseases among intravenous drug users and their sexual
25 partners and offspring.

26 (a) The pilot program shall:

27 1. Provide for maximum security of exchange sites and
28 equipment, including an accounting of the number of needles and
29 syringes in use, the number of needles and syringes in storage,
30 safe disposal of returned needles, and any other measure that
31 may be required to control the use and dispersal of sterile
32 needles and syringes.

33 2. Strive for a one-to-one exchange, whereby the
34 participant shall receive one sterile needle and syringe unit in
35 exchange for each used one.

36 3. Make available educational materials; HIV counseling and
37 testing; referral services to provide education regarding HIV,
38 AIDS, and viral hepatitis transmission; and drug use prevention
39 and treatment.

40 (b) Notwithstanding any other provision of law, the
41 possession, distribution, or exchange of needles or syringes as



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42 part of a needle and syringe exchange pilot program established
43 by the department or the department's designee is not a
44 violation of any part of chapter 893 or any other law.

45 (c) A needle and syringe exchange pilot program staff
46 member, volunteer, or participant is not immune from criminal
47 prosecution for:

48 1. The possession of needles or syringes that are not a
49 part of the exchange pilot program; or

50 2. Redistribution of needles or syringes in any form, if
51 acting outside the pilot program.

52 (d) The pilot program shall collect data for annual and
53 final reporting purposes, which shall include information on the
54 number of participants served, the number of needles and
55 syringes exchanged and distributed, the demographic profiles of
56 the participants served, the number of participants entering
57 drug counseling and treatment, the number of participants
58 receiving HIV, AIDS, or viral hepatitis testing, and other data
59 deemed necessary for the pilot program. However, no personal
60 identifying information may be collected from a participant for
61 any purpose.

62 (e) State funds may not be used to operate the pilot
63 program. The pilot program shall be funded through grants and
64 donations from private resources and funds.

65 (f) The pilot program shall expire July 1, 2018. Six months
66 before the pilot program expires, the Office of Program Policy
67 Analysis and Government Accountability shall submit a report to
68 the President of the Senate and the Speaker of the House of
69 Representatives that includes the data collection requirements
70 established in this subsection; the rates of HIV, AIDS, viral



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71 hepatitis, or other blood-borne diseases before the pilot
72 program began and every subsequent year thereafter; and a
73 recommendation on whether to continue the pilot program.

74 (g) The department has the authority to adopt and develop
75 rules to implement the provisions of this subsection.

76 Section 2. If any provision of this act or its application
77 to any person or circumstance is held invalid, the invalidity
78 does not affect other provisions or applications of the act that
79 can be given effect without the invalid provision or
80 application, and to this end the provisions of this act are
81 severable.

82 Section 3. This act shall take effect July 1, 2013.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to a needle and syringe exchange pilot
90 program; amending s. 381.0038, F.S.; requiring the
91 Department of Health to establish a needle and syringe
92 exchange pilot program in Miami-Dade County; providing
93 for administration of the pilot program by the
94 department or a designee; establishing pilot program
95 criteria; providing that the distribution of needles
96 and syringes under the pilot program is not a
97 violation of the Florida Comprehensive Drug Abuse
98 Prevention and Control Act or any other law; providing
99 conditions under which a pilot program staff member or



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100 participant may be prosecuted; prohibiting the
101 collection of participant identifying information;
102 providing for the pilot program to be funded through
103 private grants and donations; providing for expiration
104 of the pilot program; requiring a report to the
105 Legislature; providing rulemaking authority; providing
106 for severability; providing an effective date.