

By the Committee on Health Policy; and Senator Margolis

588-03986-13

2013808c1

1 A bill to be entitled

2 An act relating to a needle and syringe exchange pilot
3 program; amending s. 381.0038, F.S.; requiring the
4 Department of Health to establish a needle and syringe
5 exchange pilot program in Miami-Dade County; providing
6 for administration of the pilot program by the
7 department or a designee; establishing pilot program
8 criteria; providing that the distribution of needles
9 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 or
13 participant may be prosecuted; prohibiting the
14 collection of participant identifying information;
15 providing for the pilot program to be funded through
16 private grants and donations; providing for expiration
17 of the pilot program; requiring a report to the
18 Legislature; providing rulemaking authority; providing
19 for severability; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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

25 381.0038 Education; needle and syringe exchange pilot
26 program.—The Department of Health shall establish a pilot
27 program to educate the public about the threat of acquired
28 immune deficiency syndrome.

29 (4) The department shall establish a sterile needle and

588-03986-13

2013808c1

30 syringe exchange pilot program in Miami-Dade County. The pilot
31 program shall be administered by the department or the
32 department's designee. The department is authorized to designate
33 one of the following entities to operate the pilot program at a
34 fixed location or through a mobile health unit: a hospital
35 licensed under chapter 395, a health care clinic licensed under
36 part X of chapter 400, a substance abuse treatment program, an
37 HIV or AIDS service organization, or another nonprofit entity
38 designated by the department. The pilot program shall offer the
39 free exchange of clean unused needles and hypodermic syringes
40 for used needles and hypodermic syringes as a means to prevent
41 the transmission of HIV, AIDS, viral hepatitis, or other blood-
42 borne diseases among intravenous drug users and their sexual
43 partners and offspring.

44 (a) The pilot program shall:

45 1. Provide for maximum security of exchange sites and
46 equipment, including an accounting of the number of needles and
47 syringes in use, the number of needles and syringes in storage,
48 safe disposal of returned needles, and any other measure that
49 may be required to control the use and dispersal of sterile
50 needles and syringes.

51 2. Strive for a one-to-one exchange, whereby the
52 participant shall receive one sterile needle and syringe unit in
53 exchange for each used one.

54 3. Make available educational materials; HIV counseling and
55 testing; referral services to provide education regarding HIV,
56 AIDS, and viral hepatitis transmission; and drug use prevention
57 and treatment.

58 (b) Notwithstanding any other provision of law, the

588-03986-13

2013808c1

59 possession, distribution, or exchange of needles or syringes as
60 part of a needle and syringe exchange pilot program established
61 by the department or the department's designee is not a
62 violation of any part of chapter 893 or any other law.

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

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

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

70 (d) The pilot program shall collect data for annual and
71 final reporting purposes, which shall include information on the
72 number of participants served, the number of needles and
73 syringes exchanged and distributed, the demographic profiles of
74 the participants served, the number of participants entering
75 drug counseling and treatment, the number of participants
76 receiving HIV, AIDS, or viral hepatitis testing, and other data
77 deemed necessary for the pilot program. However, no personal
78 identifying information may be collected from a participant for
79 any purpose.

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

83 (f) The pilot program shall expire July 1, 2018. Six months
84 before the pilot program expires, the Office of Program Policy
85 Analysis and Government Accountability shall submit a report to
86 the President of the Senate and the Speaker of the House of
87 Representatives that includes the data collection requirements

588-03986-13

2013808c1

88 established in this subsection; the rates of HIV, AIDS, viral
89 hepatitis, or other blood-borne diseases before the pilot
90 program began and every subsequent year thereafter; and a
91 recommendation on whether to continue the pilot program.

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

94 Section 2. If any provision of this act or its application
95 to any person or circumstance is held invalid, the invalidity
96 does not affect other provisions or applications of the act that
97 can be given effect without the invalid provision or
98 application, and to this end the provisions of this act are
99 severable.

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