

By Senator Braynon

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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. Section 381.0038, Florida Statutes, is amended
24 to read:

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

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30 (1) The acquired immune deficiency syndrome education
31 program shall:

32 (a) Be designed to reach all segments of Florida's
33 population;

34 (b) Contain special components designed to reach non-
35 English-speaking and other minority groups within the state;

36 (c) Impart knowledge to the public about methods of
37 transmission of acquired immune deficiency syndrome and methods
38 of prevention;

39 (d) Educate the public about transmission risks in social,
40 employment, and educational situations;

41 (e) Educate health care workers and health facility
42 employees about methods of transmission and prevention in their
43 unique workplace environments;

44 (f) Contain special components designed to reach persons
45 who may frequently engage in behaviors placing them at a high
46 risk for acquiring acquired immune deficiency syndrome;

47 (g) Provide information and consultation to state agencies
48 to educate all state employees; and

49 (h) Provide information and consultation to state and local
50 agencies to educate law enforcement and correctional personnel
51 and inmates.

52 (i) Provide information and consultation to local
53 governments to educate local government employees.

54 (j) Make information available to private employers and
55 encourage them to distribute this information to their
56 employees.

57 (k) Contain special components which emphasize appropriate
58 behavior and attitude change.

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59 (1) Contain components that include information about
60 domestic violence and the risk factors associated with domestic
61 violence and AIDS.

62 (2) The education program designed by the Department of
63 Health shall utilize all forms of the media and shall place
64 emphasis on the design of educational materials that can be used
65 by businesses, schools, and health care providers in the regular
66 course of their business.

67 (3) The department may contract with other persons in the
68 design, development, and distribution of the components of the
69 education program.

70 (4) The department shall establish a sterile needle and
71 syringe exchange pilot program in Miami-Dade County. The pilot
72 program shall be administered by the department or the
73 department's designee. The department may designate one of the
74 following entities to operate the pilot program at a fixed
75 location or through a mobile health unit: a hospital licensed
76 under chapter 395, a health care clinic licensed under part X of
77 chapter 400, a substance abuse treatment program, an HIV or AIDS
78 service organization, or another nonprofit entity designated by
79 the department. The pilot program shall offer the free exchange
80 of clean, unused needles and hypodermic syringes for used
81 needles and hypodermic syringes as a means to prevent the
82 transmission of HIV, AIDS, viral hepatitis, or other blood-borne
83 diseases among intravenous drug users and their sexual partners
84 and offspring.

85 (a) The pilot program shall:

86 1. Provide for maximum security of exchange sites and
87 equipment, including an accounting of the number of needles and

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88 syringes in use, the number of needles and syringes in storage,
89 safe disposal of returned needles, and any other measure that
90 may be required to control the use and dispersal of sterile
91 needles and syringes.

92 2. Strive for a one-to-one exchange, whereby the
93 participant shall receive one sterile needle and syringe unit in
94 exchange for each used one.

95 3. Make available educational materials; HIV counseling and
96 testing; referral services to provide education regarding HIV,
97 AIDS, and viral hepatitis transmission; and drug-use prevention
98 and treatment.

99 (b) Notwithstanding any other provision of law, the
100 possession, distribution, or exchange of needles or syringes as
101 part of a needle and syringe exchange pilot program established
102 by the department or the department's designee is not a
103 violation of any part of chapter 893 or any other law.

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

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

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

111 (d) The pilot program shall collect data for annual and
112 final reporting purposes, which shall include information on the
113 number of participants served, the number of needles and
114 syringes exchanged and distributed, the demographic profiles of
115 the participants served, the number of participants entering
116 drug counseling and treatment, the number of participants

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117 receiving HIV, AIDS, or viral hepatitis testing, and other data
118 deemed necessary for the pilot program. However, personal
119 identifying information may not be collected from a participant
120 for any purpose.

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

124 (f) The pilot program shall expire July 1, 2019. Six months
125 before the pilot program expires, the Office of Program Policy
126 Analysis and Government Accountability shall submit a report to
127 the President of the Senate and the Speaker of the House of
128 Representatives which includes the data collection requirements
129 established in this subsection; the rates of HIV, AIDS, viral
130 hepatitis, or other blood-borne diseases before the pilot
131 program began and every subsequent year thereafter; and a
132 recommendation on whether to continue the pilot program.

133 (g) The department may adopt and develop rules to
134 administer this subsection.

135 Section 2. If any provision of this act or its application
136 to any person or circumstance is held invalid, the invalidity
137 does not affect other provisions or applications of the act that
138 can be given effect without the invalid provision or
139 application, and to this end the provisions of this act are
140 severable.

141 Section 3. This act shall take effect July 1, 2014.