

HB 491

2014

1 A bill to be entitled

2 An act relating to an infectious disease elimination
3 pilot program; creating the "Miami-Dade Infectious
4 Disease Elimination Act (IDEA)"; amending s. 381.0038,
5 F.S.; requiring the Department of Health to establish
6 a sterile needle and syringe exchange pilot program in
7 Miami-Dade County; providing for administration of the
8 pilot program by the department or a designee;
9 establishing pilot program criteria; providing that
10 the distribution of needles and syringes under the
11 pilot program is not a violation of the Florida
12 Comprehensive Drug Abuse Prevention and Control Act or
13 any other law; providing conditions under which a
14 pilot program staff member or participant may be
15 prosecuted; prohibiting the collection of participant
16 identifying information; providing for the pilot
17 program to be funded through private grants and
18 donations; providing for expiration of the pilot
19 program; requiring the Office of Program Policy
20 Analysis and Government Accountability to submit a
21 report and recommendations regarding the pilot program
22 to the Legislature; providing rulemaking authority;
23 providing for severability; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Section 1. This act may be cited as the "Miami-Dade Infectious Disease Elimination Act (IDEA)."

Section 2. Section 381.0038, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

(f) Contain special components designed to reach persons who may frequently engage in behaviors placing them at a high

53 risk for acquiring acquired immune deficiency syndrome;

54 (g) Provide information and consultation to state agencies
55 to educate all state employees; and

56 (h) Provide information and consultation to state and
57 local agencies to educate law enforcement and correctional
58 personnel and inmates.

59 (i) Provide information and consultation to local
60 governments to educate local government employees.

61 (j) Make information available to private employers and
62 encourage them to distribute this information to their
63 employees.

64 (k) Contain special components which emphasize appropriate
65 behavior and attitude change.

66 (l) Contain components that include information about
67 domestic violence and the risk factors associated with domestic
68 violence and AIDS.

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

74 (3) The department may contract with other persons in the
75 design, development, and distribution of the components of the
76 education program.

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

79 program shall be administered by the department or the
80 department's designee. The department may designate one of the
81 following entities to operate the pilot program at a fixed
82 location or through a mobile health unit: a hospital licensed
83 under chapter 395, a health care clinic licensed under part X of
84 chapter 400, a substance abuse treatment program, an HIV or AIDS
85 service organization, or another nonprofit entity designated by
86 the department. The pilot program shall offer the free exchange
87 of clean, unused needles and hypodermic syringes for used
88 needles and hypodermic syringes as a means to prevent the
89 transmission of HIV, AIDS, viral hepatitis, or other blood-borne
90 diseases among intravenous drug users and their sexual partners
91 and offspring.

92 (a) The pilot program shall:

93 1. Provide for maximum security of exchange sites and
94 equipment, including an accounting of the number of needles and
95 syringes in use, the number of needles and syringes in storage,
96 safe disposal of returned needles, and any other measure that
97 may be required to control the use and dispersal of sterile
98 needles and syringes.

99 2. Strive for a one-to-one exchange, whereby the
100 participant shall receive one sterile needle and syringe unit in
101 exchange for each used one.

102 3. Make available educational materials; HIV counseling
103 and testing; referral services to provide education regarding
104 HIV, AIDS, and viral hepatitis transmission; and drug-use

105 prevention and treatment.

106 (b) Notwithstanding any other provision of law, the
107 possession, distribution, or exchange of needles or syringes as
108 part of the pilot program established by the department or the
109 department's designee is not a violation of any part of chapter
110 893 or any other law.

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

113 1. The possession of needles or syringes that are not a
114 part of the pilot program; or

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

117 (d) The pilot program shall collect data for annual and
118 final reporting purposes, which shall include information on the
119 number of participants served, the number of needles and
120 syringes exchanged and distributed, the demographic profiles of
121 the participants served, the number of participants entering
122 drug counseling and treatment, the number of participants
123 receiving HIV, AIDS, or viral hepatitis testing, and other data
124 deemed necessary for the pilot program. However, personal
125 identifying information may not be collected from a participant
126 for any purpose.

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

130 (f) The pilot program shall expire 5 years after the date

131 the department designates an entity as defined in subsection (4)
132 to operate the pilot program. Six months before the pilot
133 program expires, the Office of Program Policy Analysis and
134 Government Accountability shall submit a report to the President
135 of the Senate and the Speaker of the House of Representatives
136 that includes the data collection requirements established in
137 this subsection; the rates of HIV, AIDS, viral hepatitis, or
138 other blood-borne diseases before the pilot program began and
139 every subsequent year thereafter; and a recommendation on
140 whether to continue the pilot program.

141 (g) The department may adopt and develop rules to
142 administer this subsection.

143 Section 3. If any provision of this act or its application
144 to any person or circumstance is held invalid, the invalidity
145 does not affect other provisions or applications of the act that
146 can be given effect without the invalid provision or
147 application, and to this end the provisions of this act are
148 severable.

149 Section 4. This act shall take effect July 1, 2014.