

By Senator Braynon

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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.; authorizing the University of Miami and its
6 affiliates to establish a sterile needle and syringe
7 exchange pilot program in Miami-Dade County;
8 establishing pilot program criteria; providing that
9 the distribution of needles and syringes under the
10 pilot program is not a violation of the Florida
11 Comprehensive Drug Abuse Prevention and Control Act or
12 any other law; providing conditions under which a
13 pilot program staff member or participant may be
14 prosecuted; prohibiting the collection of participant
15 identifying information; providing for the pilot
16 program to be funded through private grants and
17 donations; providing for expiration of the pilot
18 program; requiring the Office of Program Policy
19 Analysis and Government Accountability to submit a
20 report and recommendations regarding the pilot program
21 to the Legislature; providing for severability;
22 providing an effective date.

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

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

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

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30 381.0038 Education; sterile needle and syringe exchange
31 pilot program.—The Department of Health shall establish a
32 program to educate the public about the threat of acquired
33 immune deficiency syndrome.

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

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

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

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

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

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

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

51 (g) Provide information and consultation to state agencies
52 to educate all state employees; ~~and~~

53 (h) Provide information and consultation to state and local
54 agencies to educate law enforcement and correctional personnel
55 and inmates;—

56 (i) Provide information and consultation to local
57 governments to educate local government employees;—

58 (j) Make information available to private employers and

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59 encourage them to distribute this information to their
60 employees;~~:-~~

61 (k) Contain special components which emphasize appropriate
62 behavior and attitude change; and~~:-~~

63 (1) Contain components that include information about
64 domestic violence and the risk factors associated with domestic
65 violence and AIDS.

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

71 (3) The department may contract with other persons in the
72 design, development, and distribution of the components of the
73 education program.

74 (4) The University of Miami and its affiliates may
75 establish a single sterile needle and syringe exchange pilot
76 program in Miami-Dade County. The pilot program may operate at a
77 fixed location or through a mobile health unit. The pilot
78 program shall offer the free exchange of clean, unused needles
79 and hypodermic syringes for used needles and hypodermic syringes
80 as a means to prevent the transmission of HIV, AIDS, viral
81 hepatitis, or other blood-borne diseases among intravenous drug
82 users and their sexual partners and offspring.

83 (a) The pilot program shall:

84 1. Provide for maximum security of exchange sites and
85 equipment, including an accounting of the number of needles and
86 syringes in use, the number of needles and syringes in storage,
87 safe disposal of returned needles, and any other measure that

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88 may be required to control the use and dispersal of sterile
89 needles and syringes.

90 2. Operate a one-to-one exchange, whereby the participant
91 shall receive one sterile needle and syringe unit in exchange
92 for each used one.

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

98 (b) The possession, distribution, or exchange of needles or
99 syringes as part of the pilot program established under this
100 subsection is not a violation of any part of chapter 893 or any
101 other law.

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

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

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

108 (d) The pilot program shall collect data for annual and
109 final reporting purposes, which shall include information on the
110 number of participants served, the number of needles and
111 syringes exchanged and distributed, the demographic profiles of
112 the participants served, the number of participants entering
113 drug counseling and treatment, the number of participants
114 receiving HIV, AIDS, or viral hepatitis testing, and other data
115 deemed necessary for the pilot program. However, personal
116 identifying information may not be collected from a participant

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117 for any purpose.

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

121 (f) The pilot program shall expire July 1, 2020. Six months
122 before the pilot program expires, the Office of Program Policy
123 Analysis and Government Accountability shall submit a report to
124 the President of the Senate and the Speaker of the House of
125 Representatives that includes the data collection requirements
126 established in this subsection; the rates of HIV, AIDS, viral
127 hepatitis, or other blood-borne diseases before the pilot
128 program began and every subsequent year thereafter; and a
129 recommendation on whether to continue the pilot program.

130 Section 3. If any provision of this act or its application
131 to any person or circumstance is held invalid, the invalidity
132 does not affect other provisions or applications of the act that
133 can be given effect without the invalid provision or
134 application, and to this end the provisions of this act are
135 severable.

136 Section 4. This act shall take effect July 1, 2015.