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594-01656-16

Proposed Committee Substitute by the Committee on Fiscal Policy  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to an infectious disease elimination pilot program; creating the "Miami-Dade Infectious Disease Elimination Act (IDEA)"; amending s. 381.0038, F.S.; authorizing the University of Miami and its affiliates to establish a sterile needle and syringe exchange pilot program in Miami-Dade County; establishing the pilot program criteria; providing that the possession, distribution, or exchange of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; providing conditions under which a pilot program staff member, volunteer, or participant may be prosecuted; requiring the pilot program to collect certain data; prohibiting the collection of personal identifying information from program participants; prohibiting state, county, or municipal funds from being used to operate the pilot program; requiring the pilot program to be funded through private grants and donations; providing for expiration of the pilot program; providing for severability; providing an effective date.

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

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



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

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



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57 governments to educate local government employees;~~;~~

58 (j) Make information available to private employers and  
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 must:

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



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86 syringes in use, the number of needles and syringes in storage,  
87 safe disposal of returned needles, and any other measure that  
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, AIDS, and  
94 viral hepatitis counseling and testing; referral services to  
95 provide education regarding the transmission of HIV, AIDS, viral  
96 hepatitis, and other blood-borne diseases; and drug abuse  
97 prevention and treatment counseling and referral 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. The redistribution of needles or syringes in any form,  
107 if acting outside the pilot program.

108 (d) The pilot program must collect data for annual and  
109 final reporting purposes, which must 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 testing for HIV, AIDS, viral hepatitis, or other



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115 blood-borne diseases, and other data deemed necessary for the  
116 pilot program. However, personal identifying information may not  
117 be collected from a participant for any purpose.

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

121 (f) The pilot program shall expire July 1, 2021.

122 Section 3. If any provision of this act or its application  
123 to any person or circumstance is held invalid, the invalidity  
124 does not affect other provisions or applications of the act  
125 which can be given effect without the invalid provision or  
126 application, and to this end the provisions of this act are  
127 severable.

128 Section 4. This act shall take effect July 1, 2016.