

By the Committee on Health Policy; and Senators Braynon and Flores

588-01040-16

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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 the pilot program criteria; providing
9 that the possession, distribution, or exchange of
10 needles and syringes under the pilot program is not a
11 violation of the Florida Comprehensive Drug Abuse
12 Prevention and Control Act or any other law; providing
13 conditions under which a pilot program staff member,
14 volunteer, or participant may be prosecuted; requiring
15 the pilot program to collect certain data; prohibiting
16 the collection of personal identifying information
17 from program participants; prohibiting state, county,
18 or municipal funds from being used to operate the
19 pilot program; requiring the pilot program to be
20 funded through private grants and donations; providing
21 for expiration of the pilot program; providing for
22 severability; 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 must:

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, 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
115 blood-borne diseases, and other data deemed necessary for the
116 pilot program. However, personal identifying information may not

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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, 2020.

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.