

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 specifying locations for operation of the pilot
9 program; establishing pilot program criteria;
10 providing that the distribution of needles and
11 syringes under the pilot program is not a violation of
12 the Florida Comprehensive Drug Abuse Prevention and
13 Control Act or any other law; providing conditions
14 under which a pilot program staff member or
15 participant may be prosecuted; prohibiting the
16 collection of identifying information from program
17 participants; providing funding for the pilot program
18 through private grants and donations; providing for
19 expiration of the pilot program; requiring the Office
20 of Program Policy Analysis and Government
21 Accountability to submit a report and recommendations
22 regarding the pilot program to the Legislature;
23 providing for severability; providing an effective
24 date.

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

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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.

(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 risk of contracting ~~for acquiring~~ acquired immune deficiency

53 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; ~~and;~~

66 (1) 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 use ~~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 University of Miami and its affiliates may
78 establish a single sterile needle and syringe exchange pilot

79 program in Miami-Dade County. The pilot program shall operate at
80 fixed locations on the property of the University of Miami or
81 its affiliates. The pilot program shall offer the free exchange
82 of clean, unused needles and hypodermic syringes for used
83 needles and hypodermic syringes as a means to prevent the
84 transmission of HIV, AIDS, viral hepatitis, or other blood-borne
85 diseases among intravenous drug users and their sexual partners
86 and offspring.

87 (a) The pilot program shall:

88 1. Provide for maximum security of exchange sites and
89 equipment, including an accounting of the number of needles and
90 syringes in use, the number of needles and syringes in storage,
91 safe disposal of returned needles, and any other measure that
92 may be required to control the use and dispersal of sterile
93 needles and syringes.

94 2. Operate a one-to-one exchange, whereby the participant
95 shall receive one sterile needle and syringe unit in exchange
96 for each used one.

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

102 (b) The possession, distribution, or exchange of needles
103 or syringes as part of the pilot program established under this

104 subsection is not a violation of any part of chapter 893 or any
105 other law.

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

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

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

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

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

125 (f) The pilot program expires July 1, 2021. Six months
126 before the pilot program expires, the Office of Program Policy
127 Analysis and Government Accountability shall submit a report to
128 the President of the Senate and the Speaker of the House of
129 Representatives that includes the data collection requirements

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130 established in this subsection; the rates of HIV, AIDS, viral
131 hepatitis, or other blood-borne diseases before the pilot
132 program began and every subsequent year thereafter; and a
133 recommendation on whether to continue the pilot program.

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

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