

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; requiring the pilot
16 program to collect data and issue reports; prohibiting
17 the collection of identifying information from program
18 participants; providing funding for the pilot program
19 through private grants and donations; providing for
20 expiration of the pilot program; providing
21 severability; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. This act may be cited as the "Miami-Dade
26 Infectious Disease Elimination Act (IDEA)."

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

29 381.0038 Education; sterile needle and syringe exchange
 30 pilot program.—The Department of Health shall establish a
 31 program to educate the public about the threat of acquired
 32 immune deficiency syndrome.

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

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

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

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

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

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

47 (f) Contain special components designed to reach persons
 48 who may frequently engage in behaviors placing them at a high
 49 risk of contracting ~~for acquiring~~ acquired immune deficiency
 50 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
54 local agencies to educate law enforcement and correctional
55 personnel 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
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 (l) 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 shall operate at
77 fixed locations on the property of the University of Miami or
78 its affiliates. The pilot program shall offer the free exchange

79 of clean, unused needles and hypodermic syringes for used
80 needles and hypodermic syringes as a means to prevent the
81 transmission of HIV, AIDS, viral hepatitis, or other blood-borne
82 diseases among intravenous drug users and their sexual partners
83 and offspring.

84 (a) The pilot program shall:

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

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

94 3. Make available educational materials and referrals to
95 educational resources regarding the transmission of HIV, viral
96 hepatitis, and other blood-borne diseases; provide referrals to
97 drug abuse prevention and treatment; and provide or refer for
98 HIV and viral hepatitis screening.

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

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

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

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

109 (d) The pilot program shall collect data for quarterly,
110 annual, and final reporting purposes. The reports shall include
111 information on the number of participants served, the number of
112 needles and syringes exchanged and distributed, the demographic
113 profiles of the participants served, the number of participants
114 entering drug counseling and treatment, the number of
115 participants receiving HIV, AIDS, or viral hepatitis testing,
116 and other data deemed necessary for the pilot program. However,
117 personal identifying information may not be collected from a
118 participant for any purpose. Quarterly reports shall be
119 submitted to the Department of Health in Miami-Dade County by
120 October 15, January 15, April 15, and July 15 of each year. The
121 first quarterly report shall be submitted on October 15, 2016.
122 An annual report shall be submitted to the Department of Health
123 by August 1 each year until the program expires. A final report
124 shall be submitted by August 1, 2021, to the Department of
125 Health and shall describe the performance and outcomes of the
126 pilot program and include a summary of the information in the
127 annual reports for all pilot program years.

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

CS/CS/HB 81

2016

131 (f) The pilot program expires July 1, 2021.

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

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