

1 A bill to be entitled
 2 An act relating to infectious disease elimination
 3 pilot programs; providing a short title; amending s.
 4 381.0038, F.S.; authorizing the Department of Health
 5 to establish sterile needle and syringe exchange pilot
 6 programs upon request from eligible entities, rather
 7 than a single program established in Miami-Dade
 8 County; specifying who may be designated to operate a
 9 program; providing for the expiration of all pilot
 10 programs; providing for severability; providing an
 11 effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. This act may be cited as the "Florida
 16 Infectious Disease Elimination Act (IDEA)."

17 Section 2. Subsection (4) of section 381.0038, Florida
 18 Statutes, is amended to read:

19 381.0038 Education; sterile needle and syringe exchange
 20 pilot program.—The Department of Health shall establish a
 21 program to educate the public about the threat of acquired
 22 immune deficiency syndrome.

23 (4) The department ~~University of Miami and its affiliates~~
 24 may establish a ~~single~~ sterile needle and syringe exchange pilot
 25 program upon request from an eligible entity ~~in Miami-Dade~~

26 | County. Each pilot program must be administered by the
27 | department, or the department may designate one of the following
28 | eligible entities to operate the pilot program ~~may operate~~ at a
29 | fixed location or through a mobile health unit: a hospital
30 | licensed under chapter 395, a health care clinic licensed under
31 | part X of chapter 400, a substance abuse treatment program, an
32 | HIV or AIDS service organization, or another nonprofit entity
33 | designated by the department. Each ~~The~~ pilot program shall offer
34 | the free exchange of clean, unused needles and hypodermic
35 | syringes for used needles and hypodermic syringes as a means to
36 | prevent the transmission of HIV, AIDS, viral hepatitis, or other
37 | blood-borne diseases among intravenous drug users and their
38 | sexual partners and offspring.

39 | (a) Each ~~The~~ pilot program must:

40 | 1. Provide for maximum security of exchange sites and
41 | equipment, including an accounting of the number of needles and
42 | syringes in use, the number of needles and syringes in storage,
43 | safe disposal of returned needles, and any other measure that
44 | may be required to control the use and dispersal of sterile
45 | needles and syringes.

46 | 2. Operate a one-to-one exchange, whereby the participant
47 | shall receive one sterile needle and syringe unit in exchange
48 | for each used one.

49 | 3. Make available educational materials and referrals to
50 | education regarding the transmission of HIV, viral hepatitis,

51 and other blood-borne diseases; provide referrals for drug abuse
52 prevention and treatment; and provide or refer for HIV and viral
53 hepatitis screening.

54 (b) The possession, distribution, or exchange of needles
55 or syringes as part of each ~~the~~ pilot program established under
56 this subsection is not a violation of any part of chapter 893 or
57 any other law.

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

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

62 2. The redistribution of needles or syringes in any form,
63 if acting outside the pilot program.

64 (d) Each ~~The~~ pilot program must collect data for
65 quarterly, annual, and final reporting purposes. The annual
66 report must include information on the number of participants
67 served, the number of needles and syringes exchanged and
68 distributed, the demographic profiles of the participants
69 served, the number of participants entering drug counseling and
70 treatment; the number of participants receiving testing for HIV,
71 AIDS, viral hepatitis, or other blood-borne diseases; and other
72 data necessary for the pilot program. However, personal
73 identifying information may not be collected from a participant
74 for any purpose. Quarterly reports must be submitted to the
75 department ~~of Health in Miami-Dade County~~ by October 15, January

76 15, April 15, and July 15 of each year. An annual report must be
77 submitted to the department ~~of Health~~ by August 1 every year
78 until the program expires. A final report is due on August 1,
79 2023 ~~2021~~, to the department ~~of Health~~ and must describe the
80 performance and outcomes of the pilot program and include a
81 summary of the information in the annual reports for all pilot
82 program years.

83 (e) State, county, or municipal funds may not be used to
84 operate a ~~the~~ pilot program. A ~~The~~ pilot program must ~~shall~~ be
85 funded through grants and donations from private resources and
86 funds.

87 (f) All ~~The~~ pilot programs ~~program~~ shall expire July 1,
88 2023 ~~2021~~.

89 Section 3. If any provision of this act or its application
90 to any person or circumstance is held invalid, the invalidity
91 does not affect other provisions or applications of the act
92 which can be given effect without the invalid provision or
93 application, and to this end the provisions of this act are
94 severable.

95 Section 4. This act shall take effect July 1, 2018.