

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 eligible entities to
 5 establish sterile needle and syringe exchange pilot
 6 programs, rather than a single program established in
 7 Miami-Dade County; specifying who may operate a pilot
 8 program; providing an expiration date for all pilot
 9 programs; providing for severability; providing an
 10 effective date.

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

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14 Section 1. This act may be cited as the "Florida
 15 Infectious Disease Elimination Act (IDEA)."

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

18 381.0038 Education; sterile needle and syringe exchange
 19 pilot program.—The Department of Health shall establish a
 20 program to educate the public about the threat of acquired
 21 immune deficiency syndrome.

22 (4) The following eligible entities ~~The University of~~
 23 ~~Miami and its affiliates~~ may establish a ~~single~~ sterile needle
 24 and syringe exchange pilot program: a hospital licensed under
 25 chapter 395, a health care clinic licensed under part X of

26 | chapter 400, an accredited medical school, a substance abuse
27 | treatment program, or an HIV or AIDS service organization in
28 | Miami-Dade County. A pilot program must notify the department
29 | when the pilot program is established and provide the name and
30 | address of the pilot program, the name of the eligible entity
31 | operating the program, and the name, address, and telephone
32 | number of a contact person. A ~~The~~ pilot program may be operated
33 | ~~operate~~ at a fixed location or through a mobile health unit by
34 | an eligible entity. A ~~The~~ pilot program shall offer the free
35 | exchange of clean, unused needles and hypodermic syringes for
36 | used needles and hypodermic syringes as a means to prevent the
37 | transmission of HIV, AIDS, viral hepatitis, or other blood-borne
38 | diseases among intravenous drug users and their sexual partners
39 | and offspring.

40 | (a) A ~~The~~ pilot program must:

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

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

50 | 3. Make available educational materials and referrals to

51 education regarding the transmission of HIV, viral hepatitis,
52 and other blood-borne diseases; provide referrals for drug abuse
53 prevention and treatment; and provide or refer for HIV and viral
54 hepatitis screening.

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

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

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

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

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

76 ~~of Health in Miami-Dade County~~ by October 15, January 15, April
 77 15, and July 15 of each year. An annual report must be submitted
 78 to the department ~~of Health~~ by August 1 every year until the
 79 program expires. A final report is due on August 1, 2023 ~~2021~~,
 80 to the department ~~of Health~~ and must describe the performance
 81 and outcomes of the pilot program and include a summary of the
 82 information in the annual reports for all pilot 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 established under this
 88 subsection ~~program~~ shall expire July 1, 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.