

1 A bill to be entitled
2 An act relating to an infectious disease elimination
3 pilot program; amending s. 381.0038, F.S.; authorizing
4 the University of Miami and its affiliates to
5 establish a sterile needle and syringe exchange pilot
6 program in Palm Beach County; establishing the pilot
7 program criteria; providing that the possession,
8 distribution, or exchange of needles and syringes
9 under the pilot program is not a violation of the
10 Florida Comprehensive Drug Abuse Prevention and
11 Control Act or any other law; providing conditions
12 under which a pilot program staff member, volunteer,
13 or participant may be prosecuted; requiring the pilot
14 program to collect certain data for reporting
15 purposes; prohibiting the collection of personal
16 identifying information from program participants;
17 requiring the university and its affiliates to submit
18 quarterly and annual reports to the Department of
19 Health; requiring the university and its affiliates to
20 submit a final report containing certain information
21 and summaries to the department; prohibiting state,
22 county, or municipal funds from being used to operate
23 the pilot program; requiring the pilot program to be
24 funded through private grants and donations; providing
25 for expiration of the pilot program; providing an

26 effective date.

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

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30 Section 1. Subsection (4) of section 381.0038, Florida
31 Statutes, is amended to read:

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

36 (4) The University of Miami and its affiliates may
37 establish a single sterile needle and syringe exchange pilot
38 program in Miami-Dade County and Palm Beach County. The pilot
39 program may operate at a fixed location or through a mobile
40 health unit. The pilot program shall offer the free exchange of
41 clean, unused needles and hypodermic syringes for used needles
42 and hypodermic syringes as a means to prevent the transmission
43 of HIV, AIDS, viral hepatitis, or other blood-borne diseases
44 among intravenous drug users and their sexual partners and
45 offspring.

46 (a) The pilot program must:

47 1. Provide for maximum security of exchange sites and
48 equipment, including an accounting of the number of needles and
49 syringes in use, the number of needles and syringes in storage,
50 safe disposal of returned needles, and any other measure that

51 | may be required to control the use and dispersal of sterile
52 | needles and syringes.

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

56 | 3. Make available educational materials and referrals to
57 | education regarding the transmission of HIV, viral hepatitis,
58 | and other blood-borne diseases; provide referrals for drug abuse
59 | prevention and treatment; and provide or refer for HIV and viral
60 | hepatitis screening.

61 | (b) The possession, distribution, or exchange of needles
62 | or syringes as part of the pilot program established under this
63 | subsection is not a violation of any part of chapter 893 or any
64 | other law.

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

67 | 1. The possession of needles or syringes that are not a
68 | part of the pilot program; or

69 | 2. The redistribution of needles or syringes in any form,
70 | if acting outside the pilot program.

71 | (d) The pilot program must collect data for quarterly,
72 | annual, and final reporting purposes. The annual report must
73 | include information on the number of participants served, the
74 | number of needles and syringes exchanged and distributed, the
75 | demographic profiles of the participants served, the number of

76 participants entering drug counseling and treatment; the number
77 of participants receiving testing for HIV, AIDS, viral
78 hepatitis, or other blood-borne diseases; and other data
79 necessary for the pilot program. However, personal identifying
80 information may not be collected from a participant for any
81 purpose. Quarterly reports must be submitted to the Department
82 of Health in Miami-Dade County and Palm Beach County by October
83 15, January 15, April 15, and July 15 of each year. An annual
84 report must be submitted to the Department of Health by August 1
85 every year until the program expires. A final report is due on
86 August 1, 2021, to the Department of Health and must describe
87 the performance and outcomes of the pilot program and include a
88 summary of the information in the annual reports for all pilot
89 program years.

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

93 (f) The pilot program shall expire July 1, 2021.

94 Section 2. This act shall take effect July 1, 2018.