

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Jones offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Infectious
 8 Disease Elimination Act (IDEA)."

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

11 381.0038 Education; sterile needle and syringe exchange
 12 programs ~~pilot program~~.—The Department of Health shall establish
 13 a program to educate the public about the threat of acquired
 14 immune deficiency syndrome.

15 (4) A county commission ~~The University of Miami and its~~
 16 ~~affiliates~~ may authorize ~~establish~~ a single sterile needle and

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17 syringe exchange ~~pilot~~ program to operate within its county
18 boundaries in Miami-Dade County. The ~~pilot~~ program may operate
19 at one or more fixed locations ~~a fixed location~~ or through a
20 mobile health units ~~unit~~. The ~~pilot~~ program shall offer the free
21 exchange of clean, unused needles and hypodermic syringes for
22 used needles and hypodermic syringes as a means to prevent the
23 transmission of HIV, AIDS, viral hepatitis, or other blood-borne
24 diseases among intravenous drug users and their sexual partners
25 and offspring. Prevention of disease transmission must be the
26 goal of the program. For the purposes of this subsection, the
27 term "exchange program" means a sterile needle and syringe
28 exchange program established by a county commission under this
29 subsection. A sterile needle and syringe exchange program may
30 not operate unless it is authorized and approved by a county
31 commission in accordance with this subsection.

32 (a) Before an exchange program may be established, a
33 county commission must:

34 1. Authorize the program under the provisions of a county
35 ordinance;

36 2. Enter into a letter of agreement with the department in
37 which the county commission agrees that any exchange program
38 authorized by the county commission will operate in accordance
39 with this subsection;

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40 3. Enlist the local county health department to provide
41 ongoing advice, consultation, and recommendations for the
42 operation of the program;

43 4. Contract with one of the following entities to operate
44 the program:

45 a. A hospital licensed under chapter 395.

46 b. A health care clinic licensed under part X of chapter
47 400.

48 c. A medical school in this state accredited by the
49 Liaison Committee on Medical Education or Commission on
50 Osteopathic College Accreditation.

51 d. A licensed addictions receiving facility as defined in
52 s. 397.311.

53 e. A 501(c)(3) HIV/AIDS service organization.

54 (b)(a) An exchange ~~The pilot~~ program must:

55 1. Develop an oversight and accountability system to
56 ensure the program's compliance with statutory and contractual
57 requirements. The system must include measurable objectives for
58 meeting the goal of the program and must track the progress in
59 achieving those objectives. The system must require the program
60 operator to routinely report its progress in achieving the
61 objectives and the goal of the program. The system must also
62 incorporate mechanisms to track the program operator's
63 compliance or noncompliance with contractual obligations and to
64 apply consequences for noncompliance. The program must receive

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65 the county commission's approval of the oversight and
66 accountability system before commencing operations.

67 2.1. Provide for maximum security of ~~exchange~~ sites where
68 needles and syringes are exchanged and of any equipment used
69 under the program, including, at a minimum, an accounting of the
70 number of needles and syringes in use, the number of needles and
71 syringes in storage, safe disposal of returned needles, and any
72 other measure that may be required to control the use and
73 dispersal of sterile needles and syringes.

74 32. Operate a one-to-one exchange, whereby a ~~the~~
75 participant shall receive one sterile needle and syringe unit in
76 exchange for each used one.

77 43. Make available educational materials ~~and referrals to~~
78 ~~education~~ regarding the transmission of HIV, viral hepatitis,
79 and other blood-borne diseases. The program operator must offer
80 such materials to program participants whenever needles or
81 syringes are exchanged; ~~provide referrals for drug abuse~~
82 ~~prevention and treatment; and provide or refer for HIV and viral~~
83 ~~hepatitis screening.~~

84 5. Provide onsite counseling or referrals for drug abuse
85 prevention, education, and treatment, and provide onsite HIV and
86 viral hepatitis screening or referrals for such screening. If
87 such services are offered solely by referral, they must be made
88 available to participants within 72 hours. The county commission
89 in a rural county may, under its contract with the program

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90 operator, adjust the 72-hour requirement if the commission finds
91 that the availability of providers warrants an extended
92 timeframe.

93 6. Provide kits containing an emergency opioid antagonist,
94 as defined in s. 381.887, or provide referrals to a program that
95 can provide such kits.

96 7. Collect data for annual reporting purposes. The data
97 must include the number of participants served; the number of
98 used needles and syringes received and the number of clean,
99 unused needles and syringes distributed through exchange with
100 participants; the demographic profiles of the participants
101 served; the number of participants entering drug counseling or
102 treatment; the number of participants receiving testing for HIV,
103 AIDS, viral hepatitis, or other blood-borne diseases; and other
104 data that may be required under department rule. However, a
105 participant's personal identifying information may not be
106 collected for any purpose. Each exchange program must submit a
107 report to its county commission and to the department by August
108 1 annually. The department must submit a compilation report
109 encompassing data from all exchange programs annually by October
110 1 to the Governor, the President of the Senate, and the Speaker
111 of the House of Representatives. The department may adopt rules
112 to implement this subparagraph.

113 (c) ~~(b)~~ The possession, distribution, or exchange of
114 needles or syringes as part of an exchange ~~the pilot~~ program

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115 established under this subsection is not a violation of any part
116 of chapter 893 or any other law.

117 ~~(d)-(e)~~ An exchange ~~A pilot program~~ staff member,
118 volunteer, or participant is not immune from criminal
119 prosecution for:

120 1. The possession of needles or syringes that are not a
121 part of the exchange ~~pilot~~ program; or

122 2. The redistribution of needles or syringes in any form,
123 if acting outside the exchange ~~pilot~~ program.

124 ~~(d) The pilot program must collect data for quarterly,~~
125 ~~annual, and final reporting purposes. The annual report must~~
126 ~~include information on the number of participants served, the~~
127 ~~number of needles and syringes exchanged and distributed, the~~
128 ~~demographic profiles of the participants served, the number of~~
129 ~~participants entering drug counseling and treatment; the number~~
130 ~~of participants receiving testing for HIV, AIDS, viral~~
131 ~~hepatitis, or other blood-borne diseases; and other data~~
132 ~~necessary for the pilot program. However, personal identifying~~
133 ~~information may not be collected from a participant for any~~
134 ~~purpose. Quarterly reports must be submitted to the Department~~
135 ~~of Health in Miami-Dade County by October 15, January 15, April~~
136 ~~15, and July 15 of each year. An annual report must be submitted~~
137 ~~to the Department of Health by August 1 every year until the~~
138 ~~program expires. A final report is due on August 1, 2021, to the~~
139 ~~Department of Health and must describe the performance and~~

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140 ~~outcomes of the pilot program and include a summary of the~~
141 ~~information in the annual reports for all pilot program years.~~

142 (e) A law enforcement officer acting in good faith who
143 arrests or charges a person who is thereafter determined to be
144 immune from prosecution under this section shall be immune from
145 civil liability that might otherwise be incurred or imposed by
146 reason of the officer's actions.

147 (f)(e) State, county, or municipal funds may not be used
148 to operate an exchange the pilot program. Exchange programs The
149 pilot program shall be funded through grants and donations from
150 private resources and funds.

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

152 Section 3. Notwithstanding s. 381.0038(4), Florida
153 Statutes, as amended by this act, the pilot program established
154 in Miami-Dade County under chapter 2016-68, Laws of Florida, may
155 continue to operate under that chapter until the Miami-Dade
156 County Board of County Commissioners establishes an exchange
157 program as defined under this act or until July 1, 2021,
158 whichever occurs first.

159 Section 4. If any provision of this act or its application
160 to any person or circumstance is held invalid, the invalidity
161 does not affect other provisions or applications of the act
162 which can be given effect without the invalid provision or
163 application, and to this end the provisions of this act are
164 severable.

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165 Section 5. This act shall take effect July 1, 2019.

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168 **T I T L E A M E N D M E N T**

169 Remove everything before the enacting clause and insert:

170 An act relating to infectious disease elimination programs;
171 providing a short title; amending s. 381.0038, F.S.; providing
172 that a county commission may authorize a sterile needle and
173 syringe exchange program; defining the term "exchange program";
174 prohibiting the establishment of an exchange program under
175 certain conditions; providing requirements for establishing an
176 exchange program; specifying entities that may operate an
177 exchange program; requiring the development of an oversight and
178 accountability system for certain purposes; specifying
179 requirements for exchange programs; requiring the collection of
180 data and submission of reports; authorizing the Department of
181 Health to adopt certain rules; providing for immunity from civil
182 liability under certain circumstances; authorizing the
183 continuation of a specified pilot project under certain
184 circumstances; providing severability; providing an effective
185 date.