

By Senator Braynon

35-00882-19

2019366__

1 A bill to be entitled
 2 An act relating to infectious disease elimination
 3 programs; providing a short title; amending s.
 4 381.0038, F.S.; authorizing certain eligible entities
 5 to establish sterile needle and syringe exchange
 6 programs, rather than a single program established in
 7 Miami-Dade County; requiring an eligible entity to
 8 notify the Department of Health of specified
 9 information; revising program requirements; exempting
 10 certain persons affiliated with a program from
 11 prosecution for possession of a needle or syringe
 12 under certain circumstances; authorizing a county to
 13 prohibit a program within its boundaries; providing
 14 immunity from civil liability for certain law
 15 enforcement officers; providing severability;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. This act may be cited as the "Infectious Disease
 21 Elimination Act (IDEA)."

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

24 381.0038 Education; sterile needle and syringe exchange
 25 ~~pilot~~ program.—The Department of Health shall establish a
 26 program to educate the public about the threat of acquired
 27 immune deficiency syndrome.

28 (4) An eligible entity ~~The University of Miami and its~~
 29 ~~affiliates~~ may establish and operate a ~~single~~ sterile needle and

35-00882-19

2019366__

30 syringe exchange ~~pilot~~ program in ~~Miami Dade County~~. An eligible
31 entity shall notify the department when it establishes such a
32 program and provide the eligible entity's name; the program's
33 name and address; and the name, address, and telephone number of
34 a contact person. The ~~pilot~~ program may operate at a fixed
35 location or through a mobile health unit. The ~~pilot~~ program
36 shall offer the free exchange of clean, unused needles and
37 hypodermic syringes for used needles and hypodermic syringes as
38 a means to prevent the transmission of HIV, AIDS, viral
39 hepatitis, or other blood-borne diseases among intravenous drug
40 users and their sexual partners and offspring. For purposes of
41 this subsection, an eligible entity includes a hospital licensed
42 under chapter 395, a health care clinic licensed under part X of
43 chapter 400, an accredited medical school, a substance abuse
44 treatment program, or an HIV or AIDS service organization.

45 (a) The ~~pilot~~ program must:

46 1. Provide for maximum security of exchange sites and
47 equipment, including an accounting of the number of needles and
48 syringes in use, the number of needles and syringes in storage,
49 safe disposal of returned needles, and any other measure that
50 may be required to control the use and dispersal of sterile
51 needles and syringes.

52 2. Provide needle and syringe exchange services for all
53 program participants ~~Operate a one-to-one exchange, whereby the~~
54 ~~participant shall receive one sterile needle and syringe unit in~~
55 ~~exchange 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

35-00882-19

2019366__

59 prevention and treatment; and provide or refer for HIV and viral
60 hepatitis screening.

61 4. Make available kits containing an emergency opioid
62 antagonist, as defined in s. 381.887, or provide a referral to a
63 program that can make available such kits.

64 (b)1. The possession, distribution, or exchange of needles
65 or syringes as part of a the pilot program established under
66 this subsection is not a violation of any part of chapter 893 or
67 any other law.

68 2. Notwithstanding chapter 893 or any other law, a program
69 staff member, volunteer, or participant is immune from criminal
70 prosecution for possession of a needle or syringe obtained from
71 or surrendered to the program.

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

74 1. The possession of needles or syringes that are not a
75 part of the ~~pilot~~ program; or

76 2. The redistribution of needles or syringes in any form,
77 if acting outside the ~~pilot~~ program.

78 (d) Each ~~The pilot~~ program must collect data for ~~quarterly,~~
79 ~~annual,~~ and final reporting purposes. An ~~The~~ annual report must
80 include information on the number of participants served, the
81 number of needles and syringes exchanged and distributed, the
82 demographic profiles of the participants served, the number of
83 participants entering drug counseling and treatment; the number
84 of participants receiving testing for HIV, AIDS, viral
85 hepatitis, or other blood-borne diseases; and other data
86 necessary for the ~~pilot~~ program. However, personal identifying
87 information may not be collected from a participant for any

35-00882-19

2019366__

88 purpose. Each program must submit ~~Quarterly reports must be~~
89 ~~submitted to the department of Health in Miami Dade County by~~
90 ~~October 15, January 15, April 15, and July 15 of each year. an~~
91 ~~annual report must be submitted to the department of Health by~~
92 ~~August 1 every year~~ which describes until the program expires. ~~A~~
93 ~~final report is due on August 1, 2021, to the department of~~
94 ~~Health and must describe the performance and outcomes of the~~
95 ~~pilot program and include a summary of the information in the~~
96 ~~annual reports for all pilot program years.~~

97 (e) ~~State, county, or municipal~~ funds may not be used to
98 operate a the pilot program. ~~A The pilot program may shall~~ be
99 funded through grants and donations from private resources and
100 funds or through county or municipal funding.

101 (f) A county may, by ordinance, prohibit a sterile needle
102 and syringe exchange program from being located within the
103 boundaries of that county.

104 (g) A law enforcement officer acting in good faith who
105 arrests or charges a person who is thereafter determined to be
106 immune from prosecution under this section shall be immune from
107 civil liability that might otherwise be incurred or imposed by
108 reason of the officer's actions.

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

110 Section 3. If any provision of this act or its application
111 to any person or circumstance is held invalid, the invalidity
112 does not affect other provisions or applications of the act
113 which can be given effect without the invalid provision or
114 application, and to this end the provisions of this act are
115 severable.

116 Section 4. This act shall take effect July 1, 2019.