

By Senator Torres

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1                   A bill to be entitled  
2       An act relating to safer consumption services  
3       programs; creating s. 381.0047, F.S.; providing a  
4       short title; defining terms; authorizing the  
5       Department of Health to approve entities to operate  
6       safer consumption services programs for specified  
7       purposes; requiring the department to establish  
8       certain standards and procedures for the programs;  
9       specifying criteria an entity must satisfy to obtain  
10      department approval to operate a program; requiring  
11      the department to make a determination regarding a  
12      program application within a specified timeframe;  
13      requiring the department to include a written  
14      explanation if it denies an application; providing  
15      that a denial does not bar an entity from reapplying;  
16      providing that approved programs must maintain  
17      compliance with specified provisions and rules to  
18      continue operating; requiring entities operating  
19      approved programs to submit annual reports to the  
20      department by a specified date each year; providing  
21      requirements for the report; providing that specified  
22      persons are immune from criminal prosecution and civil  
23      or administrative penalties, and may not be denied any  
24      rights or privileges, based solely on their  
25      participation or involvement in a program; providing  
26      construction; authorizing the department to adopt  
27      rules; providing an effective date.

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

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Section 1. Section 381.0047, Florida Statutes, is created to read:

381.0047 Safer consumption services programs.—

(1) SHORT TITLE.—This section may be cited as the “Safer Consumption Services Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Department” means the Department of Health.

(b) “Entity” means a community-based organization that provides educational, health, harm reduction, housing, or social services or any hospital, medical clinic or office, health center, nursing home facility, mental health facility, or other similar entity that provides health services.

(c) “Participant” means an individual who seeks to use, uses, or has used a program established under this section.

(d) “Program” means a safer consumption services program established under this section.

(3) SAFER CONSUMPTION SERVICES PROGRAMS.—Notwithstanding any other law or rule to the contrary, for the purpose of reducing the spread of infectious diseases and drug overdose-related deaths, the department may approve entities to operate safer consumption services programs in this state. Such programs are intended to provide a safer environment for those afflicted with a substance abuse problem so that they may consume such substances in hygienic conditions and under the monitoring of qualified health professionals. The department shall establish standards and procedures for program approval, operations, and training.

(a) The department may approve an entity to operate a

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59 program if the entity demonstrates, to the department's  
60 satisfaction, that the entity will:

61 1. Provide a hygienic space where participants may consume  
62 their preobtained illicit drugs. The space must be separate from  
63 any other business conducted by the entity;

64 2. Provide adequate staffing of health care professionals  
65 or other trained staff to monitor participants;

66 3. Provide sterile injection supplies, collect used  
67 hypodermic needles and syringes, and provide secure hypodermic  
68 needle and syringe disposal services;

69 4. Provide education on safe consumption practices, proper  
70 disposal of hypodermic needles and syringes, and overdose  
71 prevention. Such education must be provided in written format,  
72 in at least four of the most commonly spoken languages in this  
73 state as determined by the department;

74 5. Monitor participants for potential overdose and  
75 administer first aid, if needed;

76 6. Provide referrals for addiction treatment, medical and  
77 social services, and employment and training services;

78 7. Educate participants on the risks of contracting HIV and  
79 viral hepatitis and provide sexual health resources and  
80 supplies, including, but not limited to, male and female  
81 condoms;

82 8. Provide participants access to naloxone or referrals to  
83 obtain naloxone;

84 9. Provide reasonable and adequate security of the program  
85 site and equipment;

86 10. Ensure confidentiality of program participants by using  
87 anonymous unique identifiers;

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88 11. Train staff members to deliver services offered by the  
89 program or arrange for staff members to attend trainings  
90 provided by the department; and

91 12. Establish operating procedures for the program as well  
92 as eligibility criteria for program participants, if not  
93 predetermined by the department.

94 (b) The department shall approve or deny an entity's  
95 application to establish a program under this section within 45  
96 days after receipt of the application and, if it denies an  
97 application, must provide a written explanation of the reasons  
98 for such denial.

99 (c) The department's decision to deny an application does  
100 not bar the entity from reapplying.

101 (d) To continue operating, approved programs must maintain  
102 compliance with the requirements of, and the rules adopted  
103 pursuant to, this section.

104 (4) ANNUAL REPORTS.—An entity operating a safer consumption  
105 services program under this section shall provide an annual  
106 report to the department by January 1 of each year. The report  
107 must include, at a minimum, all of the following for the  
108 preceding calendar year:

109 (a) The total number of program participants.

110 (b) Aggregate information regarding the demographics of  
111 program participants.

112 (c) The total number of hypodermic needles and syringes  
113 distributed for use on site.

114 (d) The total number of overdoses experienced on site,  
115 including the total number of overdoses that were reversed.

116 (e) The total number of individuals directly referred to

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117 other services, aggregated by the types of services.

118 (5) IMMUNITY.—Notwithstanding any other law or rule to the  
119 contrary, the following persons may not be arrested, charged, or  
120 prosecuted for any criminal offense or be subject to any civil  
121 or administrative penalty, including seizure or forfeiture of  
122 assets or real property or disciplinary action by a professional  
123 licensing board, or be denied any right or privilege, solely  
124 based on the person’s participation or involvement in a safer  
125 consumption services program approved by the department under  
126 this section:

127 (a) Participants of the program.

128 (b) Staff members and administrators of the program,  
129 including health care professionals, managers, employees, and  
130 volunteers.

131 (c) Owners of the real property at which the program is  
132 located and operated.

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134 However, such persons are not immune from criminal prosecution  
135 for any activities that are not authorized or approved under  
136 this section.

137 (6) CONSTRUCTION.—This section does not prohibit an entity  
138 from operating as both an approved program under this section  
139 and a sterile needle and syringe exchange program established  
140 pursuant to s. 381.0038.

141 (7) RULES.—The department may adopt rules to implement this  
142 section.

143 Section 2. This act shall take effect July 1, 2023.