

By Senator Braynon

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1 A bill to be entitled
2 An act relating to an infectious disease elimination
3 pilot program; creating the "Miami-Dade Infectious
4 Disease Elimination Act (IDEA)"; amending s. 381.0038,
5 F.S.; authorizing the University of Miami and its
6 affiliates to establish a sterile needle and syringe
7 exchange pilot program in Miami-Dade County;
8 establishing the pilot program criteria; providing
9 that the possession, distribution, or exchange of
10 needles and syringes under the pilot program is not a
11 violation of the Florida Comprehensive Drug Abuse
12 Prevention and Control Act or any other law; providing
13 conditions under which a pilot program staff member,
14 volunteer, or participant may be prosecuted; requiring
15 the pilot program to collect certain data; prohibiting
16 the collection of personal identifying information
17 from program participants; prohibiting state funds
18 from being used to operate the pilot program;
19 requiring the pilot program to be funded through
20 private grants and donations; providing for expiration
21 of the pilot program; requiring the Office of Program
22 Policy Analysis and Government Accountability to
23 submit a report and recommendations regarding the
24 pilot program to the Legislature; providing for
25 severability; providing an effective date.

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

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29 Section 1. This act may be cited as the "Miami-Dade

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30 Infectious Disease Elimination Act (IDEA)."

31 Section 2. Section 381.0038, Florida Statutes, is amended
32 to read:

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

37 (1) The acquired immune deficiency syndrome education
38 program shall:

39 (a) Be designed to reach all segments of Florida's
40 population;

41 (b) Contain special components designed to reach non-
42 English-speaking and other minority groups within the state;

43 (c) Impart knowledge to the public about methods of
44 transmission of acquired immune deficiency syndrome and methods
45 of prevention;

46 (d) Educate the public about transmission risks in social,
47 employment, and educational situations;

48 (e) Educate health care workers and health facility
49 employees about methods of transmission and prevention in their
50 unique workplace environments;

51 (f) Contain special components designed to reach persons
52 who may frequently engage in behaviors placing them at a high
53 risk for acquiring acquired immune deficiency syndrome;

54 (g) Provide information and consultation to state agencies
55 to educate all state employees; ~~and~~

56 (h) Provide information and consultation to state and local
57 agencies to educate law enforcement and correctional personnel
58 and inmates; ~~-~~

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59 (i) Provide information and consultation to local
60 governments to educate local government employees;~~;~~

61 (j) Make information available to private employers and
62 encourage them to distribute this information to their
63 employees;~~;~~

64 (k) Contain special components which emphasize appropriate
65 behavior and attitude change; ~~and.~~

66 (l) Contain components that include information about
67 domestic violence and the risk factors associated with domestic
68 violence and AIDS.

69 (2) The education program designed by the Department of
70 Health shall use ~~utilize~~ all forms of the media and shall place
71 emphasis on the design of educational materials that can be used
72 by businesses, schools, and health care providers in the regular
73 course of their business.

74 (3) The department may contract with other persons in the
75 design, development, and distribution of the components of the
76 education program.

77 (4) The University of Miami and its affiliates may
78 establish a single sterile needle and syringe exchange pilot
79 program in Miami-Dade County. The pilot program may operate at a
80 fixed location or through a mobile health unit. The pilot
81 program shall offer the free exchange of clean, unused needles
82 and hypodermic syringes for used needles and hypodermic syringes
83 as a means to prevent the transmission of HIV, AIDS, viral
84 hepatitis, or other blood-borne diseases among intravenous drug
85 users and their sexual partners and offspring.

86 (a) The pilot program must:

87 1. Provide for maximum security of exchange sites and

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88 equipment, including an accounting of the number of needles and
89 syringes in use, the number of needles and syringes in storage,
90 safe disposal of returned needles, and any other measure that
91 may be required to control the use and dispersal of sterile
92 needles and syringes.

93 2. Operate a one-to-one exchange, whereby the participant
94 shall receive one sterile needle and syringe unit in exchange
95 for each used one.

96 3. Make available educational materials; HIV, AIDS, and
97 viral hepatitis counseling and testing; referral services to
98 provide education regarding the transmission of HIV, AIDS, viral
99 hepatitis, and other blood-borne diseases; and drug abuse
100 prevention and treatment counseling and referral services.

101 (b) The possession, distribution, or exchange of needles or
102 syringes as part of the pilot program established under this
103 subsection is not a violation of any part of chapter 893 or any
104 other law.

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

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

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

111 (d) The pilot program must collect data for annual and
112 final reporting purposes, which must include information on the
113 number of participants served, the number of needles and
114 syringes exchanged and distributed, the demographic profiles of
115 the participants served, the number of participants entering
116 drug counseling and treatment, the number of participants

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117 receiving testing for HIV, AIDS, viral hepatitis, or other
118 blood-borne diseases, and other data deemed necessary for the
119 pilot program. However, personal identifying information may not
120 be collected from a participant for any purpose.

121 (e) State funds may not be used to operate the pilot
122 program. The pilot program shall be funded through grants and
123 donations from private resources and funds.

124 (f) The pilot program shall expire July 1, 2020. By January
125 1, 2020, the Office of Program Policy Analysis and Government
126 Accountability shall submit a report to the President of the
127 Senate and the Speaker of the House of Representatives which
128 includes the data collection requirements established in this
129 subsection; the rates of HIV, AIDS, viral hepatitis, or other
130 blood-borne diseases before the pilot program began and for
131 every subsequent year; and a recommendation on whether to
132 continue the pilot program.

133 Section 3. If any provision of this act or its application
134 to any person or circumstance is held invalid, the invalidity
135 does not affect other provisions or applications of the act
136 which can be given effect without the invalid provision or
137 application, and to this end the provisions of this act are
138 severable.

139 Section 4. This act shall take effect July 1, 2016.