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LEGISLATIVE ACTION

Senate

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House

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03/02/2018 05:24 PM

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Senator Braynon moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(4) The University of Miami and its affiliates may



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12 establish a ~~single~~ sterile needle and syringe exchange pilot
13 program in Miami-Dade County, Broward County, and Palm Beach
14 County. The pilot program may operate at a fixed location or
15 through a mobile health unit. The pilot program shall offer the
16 free exchange of clean, unused needles and hypodermic syringes
17 for used needles and hypodermic syringes as a means to prevent
18 the transmission of HIV, AIDS, viral hepatitis, or other blood-
19 borne diseases among intravenous drug users and their sexual
20 partners and offspring.

21 (a) The pilot program must:

22 1. Provide for maximum security of exchange sites and
23 equipment, including an accounting of the number of needles and
24 syringes in use, the number of needles and syringes in storage,
25 safe disposal of returned needles, and any other measure that
26 may be required to control the use and dispersal of sterile
27 needles and syringes.

28 2. Operate a one-to-one exchange, whereby the participant
29 shall receive one sterile needle and syringe unit in exchange
30 for each used one.

31 3. Make available educational materials and referrals to
32 education regarding the transmission of HIV, viral hepatitis,
33 and other blood-borne diseases; provide referrals for drug abuse
34 prevention and treatment; and provide or refer for HIV and viral
35 hepatitis screening.

36 (b) The possession, distribution, or exchange of needles or
37 syringes as part of the pilot program established under this
38 subsection is not a violation of any part of chapter 893 or any
39 other law.

40 (c) A pilot program staff member, volunteer, or participant



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41 is not immune from criminal prosecution for:

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

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

46 (d) The pilot program must collect data for quarterly,
47 annual, and final reporting purposes. The annual report must
48 include information on the number of participants served, the
49 number of needles and syringes exchanged and distributed, the
50 demographic profiles of the participants served, the number of
51 participants entering drug counseling and treatment; the number
52 of participants receiving testing for HIV, AIDS, viral
53 hepatitis, or other blood-borne diseases; and other data
54 necessary for the pilot program. However, personal identifying
55 information may not be collected from a participant for any
56 purpose. Quarterly reports must be submitted to the Department
57 of Health ~~in Miami-Dade County~~ by October 15, January 15, April
58 15, and July 15 of each year. An annual report must be submitted
59 to the Department of Health by August 1 every year until the
60 program expires. A final report is due on August 1, 2023 ~~2021~~,
61 to the Department of Health and must describe the performance
62 and outcomes of the pilot program and include a summary of the
63 information in the annual reports for all pilot program years.

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

67 (f) The pilot program shall expire July 1, 2023 ~~2021~~.

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

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to an infectious disease elimination
pilot program; amending s. 381.0038, F.S.; authorizing
the University of Miami and its affiliates to
establish sterile needle and syringe exchange pilot
programs in Broward County and Palm Beach County;
establishing the pilot program criteria; providing
that the possession, distribution, or exchange of
needles and syringes under the pilot program is not a
violation of the Florida Comprehensive Drug Abuse
Prevention and Control Act or any other law; providing
conditions under which a pilot program staff member,
volunteer, or participant may be prosecuted; requiring
the pilot program to collect certain data for
reporting purposes; prohibiting the collection of
personal identifying information from program
participants; requiring the university and its
affiliates to submit quarterly and annual reports to
the Department of Health; requiring the university and
its affiliates to submit a final report containing
certain information and summaries to the department;
prohibiting use of state, county, or municipal funds
to operate the pilot program; requiring the pilot
program to be funded through private grants and



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donations; providing for expiration of the pilot
program; providing an effective date.