

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 366 — Infectious Disease Elimination Programs

by Appropriations Committee; Health Policy Committee; and Senators Braynon, Pizzo, Book, Stewart, and Rader

CS/CS/SB 366 creates the *Infectious Disease Elimination Act (IDEA)*.

The bill defines an “exchange program” as a sterile needle and syringe exchange program established under the IDEA. An exchange program must offer the free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring.

The IDEA uses the current University of Miami pilot program as a model to authorize voluntary exchange programs statewide, provided such programs operate under the approval and authority of a county commission at one or more fixed locations or through a mobile unit in the applicable county. The bill provides that the overall goal of any exchange program established under the IDEA is the prevention of disease transmission.

Before a county commission can establish an exchange program, the county commission must:

- Authorize the program under a county ordinance;
- Execute a letter of agreement with the Department of Health (DOH) in which the county commission agrees to operate the program in accordance with the IDEA’s statutory requirements;
- Enlist the local county health department (CHD) to provide ongoing advice, consultation, and recommendations for program operations; and
- Contract with one of the following entities to operate the county program:
 - A hospital licensed under chapter 395;
 - A health care clinic licensed under part X of chapter 400;
 - A medical school in Florida accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation;
 - A licensed addictions receiving facility as defined in s. 397.311(26)(1), F.S., or
 - A 501(c)(3) HIV/AIDS service organization.

The bill includes other programmatic requirements for a county’s exchange program:

- Development of an oversight and accountability system which meets the approval of the county commission, ensures compliance with statutory and contractual requirements, including measurable objectives and a tracking mechanism, application of consequences for noncompliance, and a requirement for routine reporting;
- Provision for maximum security at sites where needles and syringes are exchanged or equipment is used;
- A requirement that educational materials must be offered wherever needles and syringes are exchanged;

- Provision of on-site counseling and referrals for drug abuse prevention, education, and treatment;
- Provision of on-site HIV and viral hepatitis screening and referrals for such screening, or if not able to test and screen on-site, provide a referral where a test can occur within 72 hours in rural areas;
- Provision of emergency opioid antagonist kits or referral to a program that can provide such kits; and
- Collection of data as statutorily required for reporting to the CHD, county commission, and the state.

The bill also provides for immunity from civil liability for any law enforcement officer who arrests or charges a person in good faith who is thereafter determined to be immune from prosecution as provided under the IDEA.

The bill prohibits state, county, or municipal funds to be used to operate an exchange program. An exchange program may only be funded through grants and donations from private resources.

The original Miami-Dade needle and syringe pilot program established under chapter 2016-68, Laws of Florida, is authorized to continue to operate under that chapter until the Miami-Dade Board of County Commissioners establishes an IDEA-compliant exchange program, or until July 1, 2021, whichever occurs first.

A severability clause is included in the bill, providing that if any provision of the IDEA or its application to any person or circumstances is held invalid, the invalidity would not affect the other provisions or application of those other provisions of the IDEA which can be given effect without the invalid provision or application.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 40-0; House 111-3