

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 491 (2014)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

Committee/Subcommittee hearing bill: Health Quality
Subcommittee

Representative Pafford offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Miami-Dade
Infectious Disease Elimination Act (IDEA)."

Section 2. 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 and a sterile needle and syringe
exchange pilot program.

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

434883 - h0491-strike.docx

Published On: 2/17/2014 3:27:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 491 (2014)

Amendment No.

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

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

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

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

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

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

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

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

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

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

434883 - h0491-strike.docx

Published On: 2/17/2014 3:27:01 PM

Amendment No.

43 (k) Contain special components which emphasize appropriate
44 behavior and attitude change; and.

45 (1) Contain components that include information about
46 domestic violence and the risk factors associated with domestic
47 violence and AIDS.

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

53 (3) The department may contract with other persons in the
54 design, development, and distribution of the components of the
55 education program.

56 (4) The department shall establish a sterile needle and
57 syringe exchange pilot program in Miami-Dade County. The pilot
58 program shall be administered by the department or the
59 department's designee. The department may designate one of the
60 following entities to operate the pilot program at a fixed
61 location or through a mobile health unit: a hospital licensed
62 under chapter 395, a health care clinic licensed under part X of
63 chapter 400, a substance abuse treatment program, an HIV or AIDS
64 service organization, or another nonprofit entity designated by
65 the department. The pilot program shall offer the free exchange
66 of clean, unused needles and hypodermic syringes for used
67 needles and hypodermic syringes as a means to prevent the
68 transmission of HIV, AIDS, viral hepatitis, or other blood-borne

Amendment No.

diseases among intravenous drug users and their sexual partners and offspring.

(a) The pilot program shall:

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

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

3. Make available educational materials; HIV counseling and testing; referral services to provide education regarding HIV, AIDS, and viral hepatitis transmission; and drug-abuse prevention and treatment.

(b) The possession, distribution, or exchange of needles or syringes as part of the pilot program established by the department or the department's designee is not a violation of any part of chapter 893 or any other law.

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

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

2. Redistribution of needles or syringes in any form, if acting outside the pilot program.

Amendment No.

95 (d) The pilot program shall collect data for annual and
96 final reporting purposes, which shall include information on the
97 number of participants served, the number of needles and
98 syringes exchanged and distributed, the demographic profiles of
99 the participants served, the number of participants entering
100 drug counseling and treatment, the number of participants
101 receiving HIV, AIDS, or viral hepatitis testing, and other data
102 deemed necessary for the pilot program. However, personal
103 identifying information may not be collected from a participant
104 for any purpose.

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

108 (f) The pilot program shall expire July 1, 2019, or, if
109 operated by a designee, five years after the entity is
110 designated. Six months before the pilot program expires, the
111 Office of Program Policy Analysis and Government Accountability
112 shall submit a report to the President of the Senate and the
113 Speaker of the House of Representatives that includes the data
114 collection requirements established in this subsection; the
115 rates of HIV, AIDS, viral hepatitis, or other blood-borne
116 diseases before the pilot program began and every subsequent
117 year thereafter; and a recommendation on whether to continue the
118 pilot program.

119 (g) The department may adopt and develop rules to
120 administer this subsection.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 491 (2014)

Amendment No.

121 Section 3. If any provision of this act or its application
122 to any person or circumstance is held invalid, the invalidity
123 does not affect other provisions or applications of the act that
124 can be given effect without the invalid provision or
125 application, and to this end the provisions of this act are
126 severable.

127 Section 4. This act shall take effect July 1, 2014.