

HB 81

2016

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 pilot program criteria; providing that
9 the distribution of needles and syringes under the
10 pilot program is not a violation of the Florida
11 Comprehensive Drug Abuse Prevention and Control Act or
12 any other law; providing conditions under which a
13 pilot program staff member or participant may be
14 prosecuted; prohibiting the collection of identifying
15 information from program participants; providing
16 funding for the pilot program through private grants
17 and donations; providing for expiration of the pilot
18 program; requiring the Office of Program Policy
19 Analysis and Government Accountability to submit a
20 report and recommendations regarding the pilot program
21 to the Legislature; providing for severability;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

27 Infectious Disease Elimination Act (IDEA)."

28 Section 2. Section 381.0038, Florida Statutes, is amended
 29 to read:

30 381.0038 Education; sterile needle and syringe exchange
 31 pilot program.—The Department of Health shall establish a
 32 program to educate the public about the threat of acquired
 33 immune deficiency syndrome.

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

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

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

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

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

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

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

52 (g) Provide information and consultation to state agencies

53 to educate all state employees; ~~and~~

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

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

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

62 (k) Contain special components which emphasize appropriate
63 behavior and attitude change; ~~and;~~

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

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

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

75 (4) The University of Miami and its affiliates may
76 establish a single sterile needle and syringe exchange pilot
77 program in Miami-Dade County. The pilot program may operate at a
78 fixed location or through a mobile health unit. The pilot

79 program shall offer the free exchange of clean, unused needles
80 and hypodermic syringes for used needles and hypodermic syringes
81 as a means to prevent the transmission of HIV, AIDS, viral
82 hepatitis, or other blood-borne diseases among intravenous drug
83 users and their sexual partners and offspring.

84 (a) The pilot program shall:

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

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

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

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

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

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

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

109 (d) The pilot program shall collect data for annual and
110 final reporting purposes, which shall include information on the
111 number of participants served, the number of needles and
112 syringes exchanged and distributed, the demographic profiles of
113 the participants served, the number of participants entering
114 drug counseling and treatment, the number of participants
115 receiving HIV, AIDS, or viral hepatitis testing, and other data
116 deemed necessary for the pilot program. However, personal
117 identifying information may not be collected from a participant
118 for any purpose.

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

122 (f) The pilot program expires July 1, 2021. Six months
123 before the pilot program expires, the Office of Program Policy
124 Analysis and Government Accountability shall submit a report to
125 the President of the Senate and the Speaker of the House of
126 Representatives that includes the data collection requirements
127 established in this subsection; the rates of HIV, AIDS, viral
128 hepatitis, or other blood-borne diseases before the pilot
129 program began and every subsequent year thereafter; and a
130 recommendation on whether to continue the pilot program.

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

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