

By Senator Braynon

35-01512-18

20181320\_\_

1                   A bill to be entitled  
2       An act relating to the Sterile Needle and Syringe  
3       Exchange Pilot Program; amending s. 381.0038, F.S.;  
4       authorizing the pilot program established by the  
5       University of Miami and its affiliates to serve Palm  
6       Beach County in addition to Miami-Dade County;  
7       requiring certain quarterly reports to be submitted to  
8       the Department of Health in Palm Beach County on or  
9       before specified dates; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13       Section 1. Subsection (4) of section 381.0038, Florida  
14       Statutes, is amended to read:

15       381.0038 Education; sterile needle and syringe exchange  
16       pilot program.—The Department of Health shall establish a  
17       program to educate the public about the threat of acquired  
18       immune deficiency syndrome.

19       (4) The University of Miami and its affiliates may  
20       establish a single sterile needle and syringe exchange pilot  
21       program in Miami-Dade and Palm Beach Counties ~~County~~. The pilot  
22       program may operate at a fixed location or through a mobile  
23       health unit. The pilot program shall offer the free exchange of  
24       clean, unused needles and hypodermic syringes for used needles  
25       and hypodermic syringes as a means to prevent the transmission  
26       of HIV, AIDS, viral hepatitis, or other blood-borne diseases  
27       among intravenous drug users and their sexual partners and  
28       offspring.

29       (a) The pilot program must:

35-01512-18

20181320\_\_

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

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

39 3. Make available educational materials and referrals to  
40 education regarding the transmission of HIV, viral hepatitis,  
41 and other blood-borne diseases; provide referrals for drug abuse  
42 prevention and treatment; and provide or refer for HIV and viral  
43 hepatitis screening.

44 (b) The possession, distribution, or exchange of needles or  
45 syringes as part of the pilot program established under this  
46 subsection is not a violation of any part of chapter 893 or any  
47 other law.

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

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

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

54 (d) The pilot program must collect data for quarterly,  
55 annual, and final reporting purposes. The annual report must  
56 include information on the number of participants served, the  
57 number of needles and syringes exchanged and distributed, the  
58 demographic profiles of the participants served, the number of

35-01512-18

20181320\_\_

59 participants entering drug counseling and treatment; the number  
60 of participants receiving testing for HIV, AIDS, viral  
61 hepatitis, or other blood-borne diseases; and other data  
62 necessary for the pilot program. However, personal identifying  
63 information may not be collected from a participant for any  
64 purpose. Quarterly reports must be submitted to the Department  
65 of Health in Miami-Dade County and in Palm Beach County by  
66 October 15, January 15, April 15, and July 15 of each year. An  
67 annual report must be submitted to the Department of Health by  
68 August 1 every year until the program expires. A final report is  
69 due on August 1, 2021, to the Department of Health and must  
70 describe the performance and outcomes of the pilot program and  
71 include a summary of the information in the annual reports for  
72 all pilot program years.

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

76 (f) The pilot program shall expire July 1, 2021.

77 Section 2. This act shall take effect upon becoming a law.