

By Senator Braynon

35-00461-18

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1 A bill to be entitled
 2 An act relating to infectious disease elimination
 3 pilot programs; providing a short title; amending s.
 4 381.0038, F.S.; authorizing the Department of Health
 5 to establish sterile needle and syringe exchange pilot
 6 programs upon request from eligible entities, rather
 7 than a single program established in Miami-Dade
 8 County; specifying who may be designated to operate a
 9 program; providing for the expiration of all pilot
 10 programs; providing for severability; providing an
 11 effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. This act may be cited as the "Florida Infectious
 16 Disease Elimination Act (IDEA)."

17 Section 2. Subsection (4) of section 381.0038, Florida
 18 Statutes, is amended to read:

19 381.0038 Education; sterile needle and syringe exchange
 20 pilot program.—The Department of Health shall establish a
 21 program to educate the public about the threat of acquired
 22 immune deficiency syndrome.

23 (4) The department ~~University of Miami and its affiliates~~
 24 may establish a ~~single~~ sterile needle and syringe exchange pilot
 25 program upon request from an eligible entity in Miami-Dade
 26 County. Each pilot program must be administered by the
 27 department, or the department may designate one of the following
 28 eligible entities to operate the pilot program ~~may operate~~ at a
 29 fixed location or through a mobile health unit: a hospital

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30 licensed under chapter 395, a health care clinic licensed under
31 part X of chapter 400, a substance abuse treatment program, an
32 HIV or AIDS service organization, or another nonprofit entity
33 designated by the department. Each ~~The~~ pilot program shall offer
34 the free exchange of clean, unused needles and hypodermic
35 syringes for used needles and hypodermic syringes as a means to
36 prevent the transmission of HIV, AIDS, viral hepatitis, or other
37 blood-borne diseases among intravenous drug users and their
38 sexual partners and offspring.

39 (a) Each ~~The~~ pilot program must:

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

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

49 3. Make available educational materials and referrals to
50 education regarding the transmission of HIV, viral hepatitis,
51 and other blood-borne diseases; provide referrals for drug abuse
52 prevention and treatment; and provide or refer for HIV and viral
53 hepatitis screening.

54 (b) The possession, distribution, or exchange of needles or
55 syringes as part of each ~~the~~ pilot program established under
56 this subsection is not a violation of any part of chapter 893 or
57 any other law.

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

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59 is not immune from criminal prosecution for:

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

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

64 (d) Each ~~The~~ pilot program must collect data for quarterly,
65 annual, and final reporting purposes. The annual report must
66 include information on the number of participants served, the
67 number of needles and syringes exchanged and distributed, the
68 demographic profiles of the participants served, the number of
69 participants entering drug counseling and treatment; the number
70 of participants receiving testing for HIV, AIDS, viral
71 hepatitis, or other blood-borne diseases; and other data
72 necessary for the pilot program. However, personal identifying
73 information may not be collected from a participant for any
74 purpose. Quarterly reports must be submitted to the department
75 ~~of Health in Miami-Dade County~~ by October 15, January 15, April
76 15, and July 15 of each year. An annual report must be submitted
77 to the department ~~of Health~~ by August 1 every year until the
78 program expires. A final report is due on August 1, 2023 ~~2021~~,
79 to the department ~~of Health~~ and must describe the performance
80 and outcomes of the pilot program and include a summary of the
81 information in the annual reports for all pilot program years.

82 (e) State, county, or municipal funds may not be used to
83 operate a ~~the~~ pilot program. A ~~The~~ pilot program must ~~shall~~ be
84 funded through grants and donations from private resources and
85 funds.

86 (f) All ~~The~~ pilot programs ~~program~~ shall expire July 1,
87 2023 ~~2021~~.

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88 Section 3. If any provision of this act or its application
89 to any person or circumstance is held invalid, the invalidity
90 does not affect other provisions or applications of the act
91 which can be given effect without the invalid provision or
92 application, and to this end the provisions of this act are
93 severable.

94 Section 4. This act shall take effect July 1, 2018.