

**SUBSTITUTE FOR
SENATE BILL NO. 806**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5 and 1178 (MCL 380.5 and 380.1178), section 5
as amended by 2016 PA 192 and section 1178 as amended by 2013 PA
187, and by adding section 1179b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" means a district
2 governed by a local act or chapter of a local act. "Local school
3 district" and "local school district board" as used in article 3
4 include a local act school district and a local act school district
5 board.

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils
8 registered for attendance plus pupils received by transfer and

1 minus pupils lost as defined by rules promulgated by the
2 superintendent of public instruction.

3 (3) "Michigan election law" means the Michigan election law,
4 1954 PA 116, MCL 168.1 to 168.992.

5 (4) "Nonpublic school" means a private, denominational, or
6 parochial school.

7 (5) "Objectives" means measurable pupil academic skills and
8 knowledge.

9 (6) "OPIOID ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR ANY
10 OTHER SIMILARLY ACTING AND EQUALLY SAFE DRUG APPROVED BY THE UNITED
11 STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF DRUG
12 OVERDOSE.

13 (7) "OPIOID-RELATED OVERDOSE" MEANS A CONDITION, INCLUDING,
14 BUT NOT LIMITED TO, EXTREME PHYSICAL ILLNESS, DECREASED LEVEL OF
15 CONSCIOUSNESS, RESPIRATORY DEPRESSION, COMA, OR DEATH, THAT RESULTS
16 FROM THE CONSUMPTION OR USE OF AN OPIOID OR ANOTHER SUBSTANCE WITH
17 WHICH AN OPIOID WAS COMBINED OR THAT AN INDIVIDUAL WHO HAS RECEIVED
18 TRAINING APPROVED BY A LICENSED REGISTERED PROFESSIONAL NURSE IN
19 THE ADMINISTRATION OF AN OPIOID ANTAGONIST WOULD BELIEVE TO BE AN
20 OPIOID-RELATED OVERDOSE THAT REQUIRES MEDICAL ASSISTANCE.

21 (8) ~~(6)~~—"Public school" means a public elementary or secondary
22 educational entity or agency that is established under this act or
23 under other law of this state, has as its primary mission the
24 teaching and learning of academic and vocational-technical skills
25 and knowledge, and is operated by a school district, intermediate
26 school district, school of excellence corporation, public school
27 academy corporation, strict discipline academy corporation, urban

1 high school academy corporation, or by the department, the state
2 board, or another public body. Public school also includes a
3 laboratory school or other elementary or secondary school that is
4 controlled and operated by a state public university described in
5 section 4, 5, or 6 of article VIII of the state constitution of
6 1963.

7 (9) ~~(7)~~—"Public school academy" means a public school academy
8 established under part 6a and, except as used in part 6a, also
9 includes an urban high school academy established under part 6c, a
10 school of excellence established under part 6e, and a strict
11 discipline academy established under sections 1311b to 1311m.

12 (10) ~~(8)~~—"Pupil membership count day" of a school district
13 means that term as defined in section 6 of the state school aid act
14 of 1979, MCL 388.1606.

15 (11) ~~(9)~~—"Qualifying school district" means a school district
16 that was previously organized and operated as a first class school
17 district governed by part 6 that has a pupil membership of less
18 than 100,000 enrolled on its most recent pupil membership count
19 day, including, but not limited to, a school district that was
20 previously organized and operated as a first class school district
21 before the effective date of the amendatory act that added this
22 subsection. **JUNE 21, 2016.**

23 (12) ~~(10)~~—"Regular school election" or "regular election"
24 means the election held in a school district, local act school
25 district, or intermediate school district to elect a school board
26 member in the regular course of the terms of that office and held
27 on the school district's regular election date as determined under

1 section 642c of the Michigan election law, MCL 168.642c.

2 (13) ~~(11)~~—"Reorganized intermediate school district" means an
3 intermediate school district formed by consolidation or annexation
4 of 2 or more intermediate school districts under sections 701 and
5 702.

6 (14) ~~(12)~~—"Rule" means a rule promulgated under the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
8 24.328.

9 Sec. 1178. (1) Subject to subsection (2), a school
10 administrator, teacher, or other school employee designated by the
11 school administrator, who in good faith administers medication to a
12 pupil in the presence of another adult or in an emergency that
13 threatens the life or health of the pupil, pursuant to written
14 permission of the pupil's parent or guardian, and in compliance
15 with the instructions of a physician, physician's assistant, or
16 certified nurse practitioner, or a school employee who in good
17 faith administers an epinephrine auto-injector to an individual
18 consistent with the policies under section 1179a **OR IN GOOD FAITH**
19 **ADMINISTERS AN OPIOID ANTAGONIST TO AN INDIVIDUAL CONSISTENT WITH**
20 **THE POLICIES UNDER SECTION 1179B**, is not liable in a criminal
21 action or for civil damages as a result of an act or omission in
22 the administration of the medication, ~~or~~ epinephrine auto-injector,
23 **OR OPIOID ANTAGONIST**, except for an act or omission amounting to
24 gross negligence or willful and wanton misconduct.

25 (2) If a school employee is a licensed registered professional
26 nurse, subsection (1) applies to that school employee regardless of
27 whether the medication, ~~or~~ epinephrine auto-injector, **OR OPIOID**

1 **ANTAGONIST** is administered in the presence of another adult.

2 (3) A school district, nonpublic school, member of a school
3 board, or director or officer of a nonpublic school is not liable
4 for damages in a civil action for injury, death, or loss to person
5 or property allegedly arising from a person acting under this
6 section.

7 **SEC. 1179B. (1) SUBJECT TO THIS SECTION, BEGINNING WITH THE**
8 **2017-2018 SCHOOL YEAR, A SCHOOL BOARD MAY REQUIRE THAT, IN EACH**
9 **SCHOOL IT OPERATES, THERE ARE NOT FEWER THAN 2 EMPLOYEES AT THE**
10 **SCHOOL WHO HAVE BEEN TRAINED IN THE APPROPRIATE USE AND**
11 **ADMINISTRATION OF AN OPIOID ANTAGONIST. A SCHOOL BOARD THAT**
12 **REQUIRES AN EMPLOYEE TO BE TRAINED UNDER THIS SUBSECTION SHALL**
13 **ENSURE THAT THE TRAINING HAS BEEN APPROVED BY A LICENSED REGISTERED**
14 **PROFESSIONAL NURSE.**

15 (2) A SCHOOL BOARD THAT REQUIRES AN EMPLOYEE TO BE TRAINED IN
16 THE USE AND ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER SUBSECTION
17 (1) SHALL, NOT LATER THAN THE BEGINNING OF THE 2017-2018 SCHOOL
18 YEAR, DEVELOP AND IMPLEMENT A POLICY THAT DOES ALL OF THE
19 FOLLOWING:

20 (A) IS CONSISTENT WITH THE DEPARTMENT'S MEDICATION
21 ADMINISTRATION GUIDELINES, AS REVISED UNDER SUBSECTION (4).

22 (B) PROVIDES FOR THE POSSESSION OF NOT FEWER THAN 1 PACKAGE OF
23 AN OPIOID ANTAGONIST IN EACH SCHOOL OPERATED BY THE SCHOOL BOARD TO
24 BE USED FOR ADMINISTRATION BY A LICENSED REGISTERED PROFESSIONAL
25 NURSE WHO IS EMPLOYED OR CONTRACTED BY THE SCHOOL DISTRICT OR BY A
26 SCHOOL EMPLOYEE WHO IS TRAINED IN THE ADMINISTRATION OF AN OPIOID
27 ANTAGONIST UNDER SUBSECTION (1) AND IS AUTHORIZED TO ADMINISTER AN

1 OPIOID ANTAGONIST UNDER THE POLICY.

2 (C) AUTHORIZES A LICENSED REGISTERED PROFESSIONAL NURSE WHO IS
3 EMPLOYED OR CONTRACTED BY THE SCHOOL DISTRICT OR A SCHOOL EMPLOYEE
4 WHO IS TRAINED IN THE ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER
5 SUBSECTION (1) TO ADMINISTER AN OPIOID ANTAGONIST TO A PUPIL OR
6 OTHER INDIVIDUAL ON SCHOOL GROUNDS WHO IS BELIEVED TO BE HAVING AN
7 OPIOID-RELATED OVERDOSE.

8 (D) REQUIRES SCHOOL PERSONNEL TO NOTIFY THE PARENT OR LEGAL
9 GUARDIAN OF A PUPIL TO WHOM AN OPIOID ANTAGONIST HAS BEEN
10 ADMINISTERED. THE POLICY SHALL ALSO REQUIRE SCHOOL PERSONNEL TO,
11 WHEN NOTIFYING THE PARENT OR LEGAL GUARDIAN, ENCOURAGE THE PARENT
12 OR LEGAL GUARDIAN TO SEEK TREATMENT FOR THE PUPIL FROM A SUBSTANCE
13 USE DISORDER SERVICES PROGRAM LICENSED UNDER PART 62 OF THE PUBLIC
14 HEALTH CODE, 1978 PA 368, MCL 333.6230 TO 333.6251.

15 (E) REQUIRES SCHOOL PERSONNEL TO CALL 9-1-1 IF A PUPIL IS
16 BELIEVED TO BE HAVING AN OPIOID-RELATED OVERDOSE.

17 (3) A LICENSED REGISTERED PROFESSIONAL NURSE WHO IS EMPLOYED
18 OR CONTRACTED BY THE SCHOOL DISTRICT OR A SCHOOL EMPLOYEE WHO IS
19 TRAINED IN THE ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER
20 SUBSECTION (1) MAY POSSESS AND ADMINISTER AN OPIOID ANTAGONIST.

21 (4) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
22 HEALTH AND HUMAN SERVICES AND WITH INPUT FROM THE MICHIGAN
23 ASSOCIATION OF SCHOOL NURSES, THE MICHIGAN NURSES ASSOCIATION, THE
24 MICHIGAN PARENT TEACHER ASSOCIATION, THE MICHIGAN CHAPTER OF THE
25 AMERICAN ACADEMY OF PEDIATRICS, THE SCHOOL-COMMUNITY HEALTH
26 ALLIANCE OF MICHIGAN, AND OTHER SCHOOL HEALTH ORGANIZATIONS AND
27 ENTITIES, SHALL IDENTIFY, DEVELOP, AND ADOPT APPROPRIATE REVISIONS

1 TO THE MEDICATION ADMINISTRATION GUIDELINES ISSUED BY THE
2 DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, THOSE RELATING TO THE
3 SPECIFICATION OF TRAINING NEEDS AND REQUIREMENTS FOR THE
4 ADMINISTRATION AND MAINTENANCE OF STOCK OPIOID ANTAGONISTS AND
5 STORAGE REQUIREMENTS.

6 (5) AT LEAST ANNUALLY, A SCHOOL DISTRICT SHALL REPORT TO THE
7 DEPARTMENT, IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT,
8 ALL INSTANCES OF ADMINISTRATION OF AN OPIOID ANTAGONIST TO A PUPIL
9 AT SCHOOL. THE REPORTING SHALL INCLUDE, BUT IS NOT LIMITED TO, THE
10 NUMBER OF PUPILS WHO WERE ADMINISTERED AN OPIOID ANTAGONIST AT
11 SCHOOL USING THE SCHOOL'S STOCK OF OPIOID ANTAGONISTS.

12 (6) AS USED IN THIS SECTION:

13 (A) "SCHOOL BOARD" INCLUDES A SCHOOL BOARD, INTERMEDIATE
14 SCHOOL BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

15 (B) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, INTERMEDIATE
16 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 805 of the 98th Legislature is enacted into
19 law.