

Legislative Analysis



OPIOID ANTAGONISTS: ALLOW POLICE TO POSSESS/ADMINISTER

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Senate Bill 1049 (Substitute S-1)
Sponsor: Sen. Tonya Schuitmaker
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 12-10-14

A SUMMARY OF SENATE BILL 1049 AS PASSED BY THE SENATE 10-1-14

The bill creates a new act to:

- Allow peace officers, once trained, to carry and administer opioid antagonists to individuals believed to be experiencing an opioid-related overdose.
- Authorize law enforcement agencies to purchase, possess, and distribute to officers an FDA-approved opioid antagonist.
- Provide civil and criminal immunity to agencies and officers for injuries or damages caused by administering an opioid antagonist.

A law enforcement agency that purchases, possesses, or distributes any opioid antagonist under the bill, or an officer who possesses or administers an opioid antagonist in good faith under the bill, would be immune from civil liability for injuries or damages arising out of the administration of an opioid antagonist if the conduct did not amount to gross negligence as defined in the Governmental Immunity Act; that act defines the term to mean "conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results."

Further, a law enforcement agency or peace officer would not be subject to criminal prosecution for purchasing, possessing, distributing, or administering any opioid antagonist to any individual under the bill's provisions.

The terms "law enforcement," "opioid antagonist," "opioid-related overdose," and "peace officer" are defined in the bill.

FISCAL IMPACT:

Senate Bill 1049 (S-1), as passed by the Senate, could have a fiscal impact on Department of State Police (MSP), county sheriffs' offices, and local law enforcement agencies if such policing entities opt to purchase opioid antagonists (e.g., naloxone; marketed as: Narcan, Nalone, Narcanti, etc.) and train officers in the proper administration of opioid antagonists.

According to the Oakland County Sheriff's Office, a single dose of Narcan costs approximately \$25, and officers would undergo approximately a 20-30 minutes of training in its proper administration.

According to data provided by the Department of Community Health, from 2010 through 2012, there was an average of 636 fatalities per annum consequent from overdoses of heroin and opioid-related pharmaceuticals; of course, that number of fatalities is not equivalent to the number of individuals who come into contact with police officers while overdosing and could benefit from administration of opioid antagonists, which is currently unknown.

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