

HOUSE BILL No. 5378

February 17, 2016, Introduced by Reps. LaVoy, Sheppard, Brunner, Driskell, Singh, Chirkun, Plawecki, Faris, Schor, Forlini and Lucido and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17744b (MCL 333.17744b), as added by 2014 PA
311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17744b. (1) Notwithstanding any provision of this act to
2 the contrary, a prescriber may issue a prescription for and a
3 dispensing prescriber or pharmacist may dispense an opioid
4 antagonist to any of the following:

5 (a) An individual patient at risk of experiencing an opioid-
6 related overdose.

7 (b) A family member, friend, or other individual in a position

1 to assist an individual at risk of experiencing an opioid-related
2 overdose.

3 (C) A SCHOOL BOARD FOR PURPOSES OF SECTION 1179B OF THE
4 REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1179B.

5 (D) ~~(e)~~—A person other than an individual that meets all of
6 the following requirements:

7 (i) Acts at the direction of the prescriber or dispensing
8 prescriber.

9 (ii) Upon receipt of an opioid antagonist, stores the opioid
10 antagonist in compliance with this part.

11 (iii) Dispenses or administers an opioid antagonist under a
12 valid prescription issued to an individual or a patient.

13 (iv) Performs the requirements under this subsection without
14 charge or compensation.

15 (2) When issuing a prescription for or dispensing an opioid
16 antagonist as authorized under this section to **A SCHOOL BOARD OR** a
17 person other than a patient, the prescriber, dispensing prescriber,
18 or pharmacist, as appropriate, shall insert the name of the **SCHOOL**
19 **BOARD OR THE** person as the name of the patient.

20 (3) Notwithstanding any provision of this act to the contrary,
21 a person that is acting in good faith and with reasonable care may
22 possess and dispense an opioid antagonist.

23 (4) **NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY,**
24 **A SCHOOL EMPLOYEE WHO IS A LICENSED REGISTERED PROFESSIONAL NURSE**
25 **OR WHO IS TRAINED IN THE ADMINISTRATION OF AN OPIOID ANTAGONIST**
26 **UNDER SECTION 1179B OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL**
27 **380.1179B, MAY POSSESS AND ADMINISTER AN OPIOID ANTAGONIST**

1 **DISPENSED TO A SCHOOL BOARD UNDER THIS SECTION.**

2 (5) ~~(4)~~—A prescriber who issues a prescription for or a
3 dispensing prescriber or pharmacist who dispenses an opioid
4 antagonist as authorized under this section is not liable in a
5 civil action for a properly stored and dispensed opioid antagonist
6 that was a proximate cause of injury or death to an individual due
7 to the administration of or failure to administer the opioid
8 antagonist.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 5379 (request no.
11 04232'15) of the 98th Legislature is enacted into law.