

Act No. 384
Public Acts of 2016
Approved by the Governor
December 28, 2016
Filed with the Secretary of State
December 28, 2016
EFFECTIVE DATE: March 29, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Ananich, Zorn, Proos, Knezek, Johnson, Young, Gregory, Hertel, Bieda, Hopgood, Marleau, Rocca, Jones, Horn, Schuitmaker and Hood

ENROLLED SENATE BILL No. 805

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 17744b (MCL 333.17744b), as added by 2014 PA 311.

The People of the State of Michigan enact:

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

- (a) An individual patient at risk of experiencing an opioid-related overdose.
- (b) A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.
- (c) A school board for purposes of section 1179b of the revised school code, 1976 PA 451, MCL 380.1179b.
- (d) A person other than an individual that meets all of the following requirements:
 - (i) Acts at the direction of the prescriber or dispensing prescriber.
 - (ii) Upon receipt of an opioid antagonist, stores the opioid antagonist in compliance with this part.
 - (iii) Dispenses or administers an opioid antagonist under a valid prescription issued to an individual or a patient.
 - (iv) Performs the requirements under this subsection without charge or compensation.

(2) When issuing a prescription for or dispensing an opioid antagonist as authorized under this section to a school board or a person other than a patient, the prescriber, dispensing prescriber, or pharmacist, as appropriate, shall insert the name of the school board or the person as the name of the patient.

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

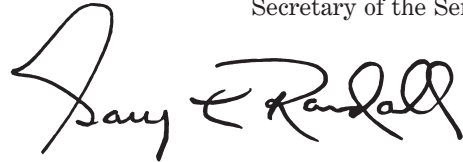
(4) Notwithstanding any provision of this act to the contrary, a school employee who is a licensed registered professional nurse or who is trained in the administration of an opioid antagonist under section 1179b of the revised school code, 1976 PA 451, MCL 380.1179b, may possess and administer an opioid antagonist dispensed to a school board under this section.

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 806 of the 98th Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor