

Act No. 385  
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 Zorn, Ananich, Proos, Knezek, Johnson, Young, Gregory, Hertel, Bieda, Hopgood, Marleau, Rocca, Jones, Horn, Schuitmaker and Hood**

# **ENROLLED SENATE BILL No. 806**

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” 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:*

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

(2) “Membership” means the number of full-time equivalent pupils in a public school as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent of public instruction.

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

(4) “Nonpublic school” means a private, denominational, or parochial school.

(5) “Objectives” means measurable pupil academic skills and knowledge.

(6) “Opioid antagonist” means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the United States Food and Drug Administration for the treatment of drug overdose.

(7) “Opioid-related overdose” means a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that an individual who has received training approved by a licensed registered professional nurse in the administration of an opioid antagonist would believe to be an opioid-related overdose that requires medical assistance.

(8) "Public school" means a public elementary or secondary educational entity or agency that is established under this act or under other law of this state, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, intermediate school district, school of excellence corporation, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department, the state board, or another public body. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

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

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

(11) "Qualifying school district" means a school district that was previously organized and operated as a first class school district governed by part 6 that has a pupil membership of less than 100,000 enrolled on its most recent pupil membership count day, including, but not limited to, a school district that was previously organized and operated as a first class school district before June 21, 2016.

(12) "Regular school election" or "regular election" means the election held in a school district, local act school district, or intermediate school district to elect a school board member in the regular course of the terms of that office and held on the school district's regular election date as determined under section 642c of the Michigan election law, MCL 168.642c.

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

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

Sec. 1178. (1) Subject to subsection (2), a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner, or a school employee who in good faith administers an epinephrine auto-injector to an individual consistent with the policies under section 1179a or in good faith administers an opioid antagonist to an individual consistent with the policies under section 1179b, is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication, epinephrine auto-injector, or opioid antagonist, except for an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) If a school employee is a licensed registered professional nurse, subsection (1) applies to that school employee regardless of whether the medication, epinephrine auto-injector, or opioid antagonist is administered in the presence of another adult.

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

Sec. 1179b. (1) Subject to this section, beginning with the 2017-2018 school year, a school board may require that, in each school it operates, there are not fewer than 2 employees at the school who have been trained in the appropriate use and administration of an opioid antagonist. A school board that requires an employee to be trained under this subsection shall ensure that the training has been approved by a licensed registered professional nurse.

(2) A school board that requires an employee to be trained in the use and administration of an opioid antagonist under subsection (1) shall, not later than the beginning of the 2017-2018 school year, develop and implement a policy that does all of the following:

(a) Is consistent with the department's medication administration guidelines, as revised under subsection (4).

(b) Provides for the possession of not fewer than 1 package of an opioid antagonist in each school operated by the school board to be used for administration by a licensed registered professional nurse who is employed or contracted by the school district or by a school employee who is trained in the administration of an opioid antagonist under subsection (1) and is authorized to administer an opioid antagonist under the policy.

(c) Authorizes a licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an opioid antagonist under subsection (1) to administer an opioid antagonist to a pupil or other individual on school grounds who is believed to be having an opioid-related overdose.

(d) Requires school personnel to notify the parent or legal guardian of a pupil to whom an opioid antagonist has been administered. The policy shall also require school personnel to, when notifying the parent or legal guardian, encourage

the parent or legal guardian to seek treatment for the pupil from a substance use disorder services program licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(e) Requires school personnel to call 9-1-1 if a pupil is believed to be having an opioid-related overdose.

(3) A licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an opioid antagonist under subsection (1) may possess and administer an opioid antagonist.

(4) The department, in conjunction with the department of health and human services and with input from the Michigan Association of School Nurses, the Michigan Nurses Association, the Michigan Parent Teacher Association, the Michigan chapter of the American Academy of Pediatrics, the School-Community Health Alliance of Michigan, and other school health organizations and entities, shall identify, develop, and adopt appropriate revisions to the medication administration guidelines issued by the department, including, but not limited to, those relating to the specification of training needs and requirements for the administration and maintenance of stock opioid antagonists and storage requirements.

(5) At least annually, a school district shall report to the department, in the form and manner prescribed by the department, all instances of administration of an opioid antagonist to a pupil at school. The reporting shall include, but is not limited to, the number of pupils who were administered an opioid antagonist at school using the school's stock of opioid antagonists.

(6) As used in this section:

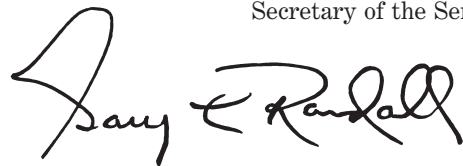
(a) "School board" includes a school board, intermediate school board, or the board of directors of a public school academy.

(b) "School district" includes a school district, intermediate school district, or public school academy.

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



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

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Governor