

HOUSE BILL No. 5461

January 30, 2018, Introduced by Reps. Green, Geiss, Pagan, Yanez and Jones and referred to the Committee on Health Policy.

A bill to amend 2014 PA 462, entitled

"An act to allow peace officers to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by law enforcement agencies and peace officers; and to limit the civil and criminal liability of law enforcement agencies and peace officers for the possession, distribution, and use of opioid antagonists under certain circumstances,"

by amending the title and sections 2, 3, and 4 (MCL 28.542, 28.543, and 28.544).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to allow peace officers to carry and administer opioid antagonists in certain circumstances; **TO REQUIRE PEACE OFFICERS TO RECEIVE CERTAIN TRAINING REGARDING DRUG OVERDOSE TREATMENT;** to provide access to opioid antagonists by law enforcement agencies

1 and peace officers; and to limit the civil and criminal liability
2 of law enforcement agencies and peace officers for **DRUG OVERDOSE**
3 **TREATMENT AND** the possession, distribution, and use of opioid
4 antagonists under certain circumstances.

5 Sec. 2. (1) A law enforcement agency may purchase and possess
6 any opioid antagonist for purposes of this act and distribute that
7 opioid antagonist to peace officers in its employ who have been
8 trained in the administration of that opioid antagonist for
9 purposes of this act.

10 (2) **A LAW ENFORCEMENT AGENCY SHALL REQUIRE EACH PEACE OFFICER**
11 **IN ITS EMPLOY TO RECEIVE TRAINING IN A PROGRAM THAT MEETS THE**
12 **REQUIREMENTS SET FORTH IN SECTION 20912 OF THE PUBLIC HEALTH CODE,**
13 **1978 PA 368, MCL 333.20912, FOR TRAINING PARAMEDICS AND MEDICAL**
14 **FIRST RESPONDERS IN TREATING DRUG OVERDOSE PATIENTS.**

15 Sec. 3. A peace officer may possess any opioid antagonist
16 distributed to that peace officer under section 2 and may
17 administer that opioid antagonist to an individual if both of the
18 following apply:

19 (a) The peace officer has been trained in the proper
20 administration of that opioid antagonist **IN A PROGRAM THAT MEETS**
21 **THE REQUIREMENTS SET FORTH IN SECTION 20912 OF THE PUBLIC HEALTH**
22 **CODE, 1978 PA 368, MCL 333.20912, FOR TRAINING PARAMEDICS AND**
23 **MEDICAL FIRST RESPONDERS IN TREATING DRUG OVERDOSE PATIENTS.**

24 (b) The peace officer has reason to believe that the
25 individual is experiencing an opioid-related overdose.

26 Sec. 4. (1) A law enforcement agency that purchases,
27 possesses, or distributes any opioid antagonist under section 2,

1 and any peace officer that **RENDERS TREATMENT FOR DRUG OVERDOSE IN**
2 **ACCORDANCE WITH TRAINING REQUIRED UNDER SECTION 2 OR THAT** possesses
3 or in good faith administers an opioid antagonist under section 3,
4 is immune from civil liability for injuries or damages arising out
5 of **THAT TREATMENT OR** the administration of that opioid antagonist
6 to any individual under this act if the conduct does not amount to
7 gross negligence that is the proximate cause of the injury or
8 damage. As used in this subsection, "gross negligence" means that
9 term as defined in section 7 of 1964 PA 170, MCL 691.1407.

10 (2) A law enforcement agency that purchases, possesses, or
11 distributes any opioid antagonist under section 2, and any peace
12 officer that possesses or in good faith administers an opioid
13 antagonist under section 3, is not subject to criminal prosecution
14 for purchasing, possessing, distributing, or administering any
15 opioid antagonist to any individual under this act.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 5460 (request no.
20 05392'18) of the 99th Legislature is enacted into law.