

# SENATE BILL No. 274

March 23, 2017, Introduced by Senator KNOLLENBERG 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 amended by 2016 PA  
384, and by adding section 7333b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 7333B. (1) A PRESCRIBER SHALL NOT PRESCRIBE A PATIENT ANY  
2        OF THE FOLLOWING:

3        (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), A  
4        COMBINATION OF OPIOIDS IN AN AMOUNT THAT EXCEEDS 100 MORPHINE  
5        MILLIGRAM EQUIVALENTS PER DAY IN THE AGGREGATE.

6        (B) UNTIL JUNE 30, 2018, IF THE PATIENT HAS ON THE EFFECTIVE  
7        DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION A PRESCRIPTION  
8        FOR AN OPIOID IN AN AMOUNT THAT EXCEEDS 100 MORPHINE MILLIGRAM

1 EQUIVALENTS PER DAY, AN OPIOID IN AN AMOUNT THAT WOULD CAUSE THE  
2 AMOUNT OF OPIOIDS PRESCRIBED TO THE PATIENT BY THE PRESCRIBER TO  
3 EXCEED 300 MORPHINE MILLIGRAM EQUIVALENTS PER DAY IN THE AGGREGATE.  
4 BEGINNING JULY 1, 2018, THE AMOUNT OF OPIOIDS PRESCRIBED BY A  
5 PRESCRIBER MUST NOT EXCEED 100 MORPHINE MILLIGRAM EQUIVALENTS PER  
6 DAY IN THE AGGREGATE.

7 (C) BEGINNING JULY 1, 2018, IF THE PATIENT IS BEING TREATED  
8 FOR CHRONIC PAIN, MORE THAN A 30-DAY SUPPLY OF AN OPIOID WITHIN A  
9 30-DAY PERIOD.

10 (D) BEGINNING JULY 1, 2018, IF THE PATIENT IS BEING TREATED  
11 FOR ACUTE PAIN, MORE THAN A 7-DAY SUPPLY OF AN OPIOID WITHIN A 7-  
12 DAY PERIOD.

13 (2) AS USED IN THIS SECTION:

14 (A) "ACUTE PAIN" MEANS PAIN THAT IS THE NORMAL, PREDICTED  
15 PHYSIOLOGICAL RESPONSE TO A NOXIOUS CHEMICAL OR A THERMAL OR  
16 MECHANICAL STIMULUS AND IS TYPICALLY ASSOCIATED WITH INVASIVE  
17 PROCEDURES, TRAUMA, AND DISEASE AND USUALLY LASTS FOR A LIMITED  
18 AMOUNT OF TIME.

19 (B) "CHRONIC PAIN" MEANS PAIN THAT PERSISTS BEYOND THE USUAL  
20 COURSE OF AN ACUTE DISEASE OR THE HEALING OF AN INJURY AND THAT MAY  
21 BE ASSOCIATED WITH AN ACUTE OR CHRONIC PATHOLOGIC PROCESS THAT  
22 CAUSES CONTINUOUS OR INTERMITTENT PAIN OVER MONTHS OR YEARS.

23 Sec. 17744b. (1) ~~Notwithstanding~~ EXCEPT AS OTHERWISE PROVIDED  
24 IN SUBSECTION (2), NOTWITHSTANDING any provision of this act to the  
25 contrary, a prescriber may issue a prescription for and a  
26 dispensing prescriber or pharmacist may dispense an opioid  
27 antagonist to any of the following:

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

3 (b) A family member, friend, or other individual in a position  
4 to assist an individual at risk of experiencing an opioid-related  
5 overdose.

6 (c) A school board for purposes of section 1179b of the  
7 revised school code, 1976 PA 451, MCL 380.1179b.

8 (d) A person other than an individual that meets all of the  
9 following requirements:

10 (i) Acts at the direction of the prescriber or dispensing  
11 prescriber.

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

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

16 (iv) Performs the requirements under this subsection without  
17 charge or compensation.

18 (2) **SUBJECT TO SECTION 7333B, A PRESCRIBER WHO PRESCRIBES A**  
19 **PATIENT AN OPIOID IN AN AMOUNT THAT EXCEEDS 50 MORPHINE MILLIGRAM**  
20 **EQUIVALENTS PER DAY SHALL ALSO PRESCRIBE THE PATIENT AN OPIOID**  
21 **ANTAGONIST IF THE PRESCRIBER KNOWS THAT THE PATIENT MEETS ANY OF**  
22 **THE FOLLOWING AT THE TIME OF PRESCRIBING THE PATIENT THE OPIOID:**

23 (A) HE OR SHE HAS A HISTORY OF DRUG OVERDOSES.

24 (B) HE OR SHE HAS A HISTORY OF SUBSTANCE USE DISORDERS.

25 (C) HE OR SHE IS ALSO USING A BENZODIAZEPINE.

26 (3) ~~(2)~~—When issuing a prescription for or dispensing an  
27 opioid antagonist as authorized under this section to a school

1 board or a person other than a patient, the prescriber, dispensing  
2 prescriber, or pharmacist, as appropriate, shall insert the name of  
3 the school board or the person as the name of the patient.

4 (4) ~~(3)~~ Notwithstanding any provision of this act to the  
5 contrary, a person that is acting in good faith and with reasonable  
6 care may possess and dispense an opioid antagonist.

7 (5) ~~(4)~~ Notwithstanding any provision of this act to the  
8 contrary, a school employee who is a licensed registered  
9 professional nurse or who is trained in the administration of an  
10 opioid antagonist under section 1179b of the revised school code,  
11 1976 PA 451, MCL 380.1179b, may possess and administer an opioid  
12 antagonist dispensed to a school board under this section.

13 (6) ~~(5)~~ A prescriber who issues a prescription for or a  
14 dispensing prescriber or pharmacist who dispenses an opioid  
15 antagonist as authorized under this section is not liable in a  
16 civil action for a properly stored and dispensed opioid antagonist  
17 that was a proximate cause of injury or death to an individual due  
18 to the administration of or failure to administer the opioid  
19 antagonist.

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