

Act No. 39
Public Acts of 2019
Approved by the Governor
June 26, 2019
Filed with the Secretary of State
June 26, 2019
EFFECTIVE DATE: September 24, 2019

**STATE OF MICHIGAN 100TH
LEGISLATURE REGULAR
SESSION OF 2019**

Introduced by Rep. Sheppard

ENROLLED HOUSE BILL No. 4367

AN ACT to allow certain employees or agents to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by certain agencies and employees or agents; to limit the civil and criminal liability of certain agencies and employees or agents for the possession, distribution, and use of opioid antagonists under certain circumstances; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 101. (1) This act shall be known and may be cited as the “administration of opioid antagonists act”.

(2) As used in this act:

(a) “Agency” means a governmental agency.

(b) “Employee or agent” means any of the following:

(i) An individual who is employed by, or under contract with, an agency.

(ii) An individual who serves on the governing body of an agency.

(iii) An individual who volunteers with an agency.

(c) “Governmental agency” means this state or a political subdivision but does not include a person licensed under part 209 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979.

(d) “Municipal corporation” means a city, village, or township or a combination of 2 or more of these when acting jointly.

(e) “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.

(f) “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 a reasonable person would believe to be an opioid-related overdose that requires medical assistance.

(g) “Political subdivision” means a municipal corporation, county, county road commission, school district, community college district, public library, port district, metropolitan district, or transportation authority or a combination of 2 or more of these when acting jointly; a district or authority authorized by law or formed by 1 or more political subdivisions; or an agency, department, court, board, or council of a political subdivision.

(h) “State” means this state and its agencies, departments, commissions, courts, boards, councils, and statutorily created task forces. State includes a public university or college of this state, whether established as a constitutional corporation or otherwise.

Sec. 103. An agency may purchase and possess an opioid antagonist for purposes of this act and distribute that opioid antagonist to an employee or agent who has been trained in the administration of that opioid antagonist for purposes of this act.

Sec. 105. An employee or agent may possess an opioid antagonist distributed to that employee or agent under section 103 and may administer that opioid antagonist to an individual if both of the following apply:

- (a) The employee or agent has been trained in the proper administration of that opioid antagonist.
- (b) The employee or agent has reason to believe that the individual is experiencing an opioid-related overdose.

Sec. 107. (1) An agency that purchases, possesses, or distributes an opioid antagonist under section 103, and an employee or agent that possesses or in good faith administers an opioid antagonist under section 105, is immune from civil liability for injuries or damages arising out of the administration of that opioid antagonist to an individual under this act if the conduct does not amount to gross negligence that is the proximate cause of the injury or damage. As used in this subsection, "gross negligence" means that term as defined in section 7 of 1964 PA 170, MCL 691.1407.

(2) An agency that purchases, possesses, or distributes an opioid antagonist under section 103, and an employee or agent that possesses or in good faith administers an opioid antagonist under section 105, is not subject to criminal prosecution for purchasing, possessing, or distributing an opioid antagonist under this act or for administering an opioid antagonist to an individual under this act.

(3) The immunity provided under this section is in addition to any immunity otherwise provided by law.

Enacting section 1. 2014 PA 462, MCL 28.541 to 28.544, is repealed.

Enacting section 2. This act takes effect 90 days after the date it is enacted into law.

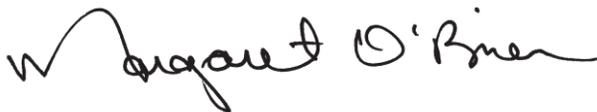
Enacting section 3. This act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

- (a) Senate Bill No. 200.
- (b) Senate Bill No. 282.
- (c) Senate Bill No. 283.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: The bills referred to in enacting section 3 were enacted into law as follows:

Senate Bill No. 200 was filed with the Secretary of State June 26, 2019, and became 2019 PA 36, Eff. Sept. 24, 2019.

Senate Bill No. 282 was filed with the Secretary of State June 26, 2019, and became 2019 PA 37, Eff. Sept. 24, 2019.

Senate Bill No. 283 was filed with the Secretary of State June 26, 2019, and became 2019 PA 38, Eff. Sept. 24, 2019.