

Legislative Analysis



NONOPIOID DIRECTIVE FORM EXCEPTION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5261 (H-1) as reported from committee

Sponsor: Rep. Abdullah Hammoud

Committee: Health Policy

Complete to 11-30-21

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 41 of 2022)

SUMMARY:

House Bill 5261 would amend the Public Health Code to allow an opioid to be administered during surgery to a patient who has executed a nonopioid directive form.

A nonopioid directive allows patients to notify health professionals that they do not want to be administered opioids—often because they are most at risk of misusing opioids, including those with a history of an opioid disorder.¹ The form was introduced by 2018 PA 554.²

However, the code allows a prescriber with a controlled substance license or a nurse acting on the order of the prescriber to administer an opioid to a patient with a nonopioid directive form if, in the prescriber's professional opinion, the administration is medically necessary.

The bill would add another exception under which an opioid could be administered: if the opioid is for intraoperative use—which means occurring or performed during the course of a surgical operation.

MCL 333.9145

FISCAL IMPACT:

House Bill 5261 would not have a fiscal impact on the state or on local units of government.

POSITIONS:

The following entities indicated support for the bill:

- Blue Cross Blue Shield of Michigan (10-28-21)
- Michigan Health and Hospital Association (11-4-21)

Legislative Analyst: Jenny McInerney

Fiscal Analyst: Susan Frey

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <https://www.michigan.gov/mdhhs/0,5885,7-339--493376--,00.html>

² House Fiscal Agency analysis of 2018 PA 554 (HB 5152): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5152-1D8A95CE.pdf>