

Act No. 231  
Public Acts of 2024  
Approved by the Governor  
January 17, 2025  
Filed with the Secretary of State  
January 17, 2025  
EFFECTIVE DATE: April 2, 2025

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2024**

Introduced by Reps. VanderWall, Rheingans, Prestin, Arbit, Dievendorf, Hood, Brixie, Andrews, Fitzgerald, Stone, Brabec, Hill, Hope, Coffia, Byrnes, Martus, Haadsma, Conlin, Bollin, Weiss, Morse, MacDonell and Aiyash

# ENROLLED HOUSE BILL No. 5077

AN ACT to amend 2019 PA 39, entitled “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,” by amending the title and sections 103 and 107 (MCL 15.673 and 15.677), section 107 as amended by 2020 PA 321, and by adding section 106.

*The People of the State of Michigan enact:*

## TITLE

An act to allow certain employees or agents to carry, administer, and distribute 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.

Sec. 103. An agency may purchase or otherwise obtain and possess an opioid antagonist for purposes of this act and distribute that opioid antagonist as provided in section 106 and may 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. 106. An agency that purchases or otherwise obtains and possesses an opioid antagonist under section 103 or an employee or agent of an agency who possesses an opioid antagonist distributed to that employee or agent under section 103 may directly or indirectly distribute that opioid antagonist to any individual.

Sec. 107. (1) An agency that purchases or otherwise obtains, possesses, or distributes an opioid antagonist under section 103 or 106 is immune from civil liability for injury, death, or damages arising out of the administration or distribution 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, death, or damages. As used in this subsection, “gross negligence” means that term as defined in section 7 of 1964 PA 170, MCL 691.1407.

(2) An employee or agent that possesses, administers, or fails to administer an opioid antagonist under section 105 or distributes an opioid antagonist under section 106 is immune from civil liability for injury, death, or damages arising out of the distribution or administration of or failure to administer that opioid antagonist to an individual under this act, if the conduct does not amount to willful or wanton misconduct that is the proximate cause of the injury, death, or damages.

(3) An agency that purchases or otherwise obtains, possesses, or distributes an opioid antagonist under section 103 or 106, and an employee or agent that possesses, administers, or fails to administer an opioid antagonist under section 105 or distributes an opioid antagonist under section 106, is not subject to criminal prosecution for purchasing or otherwise obtaining, possessing, or distributing an opioid antagonist under this act or for administering or failing to administer an opioid antagonist to an individual under this act.

(4) This section does not eliminate, limit, or reduce any other immunity or defense that may be available under the laws of this state.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5078 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor