



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 404 and 405 (as introduced 6-11-25)

Sponsor: Senator Darrin Camilleri

Committee: Health Policy

Date Completed: 6-17-25

CONTENT

Senate Bill 404 would amend Part 15 (School Districts; Powers and Duties Generally) of the Revised School Code to do the following:

- **Require the board or board of directors of a school district, intermediate school district (ISD), or public school academy (PSA) that could receive opioid antagonists at no cost from the Department of Health and Human Services (DHHS) to ensure that one employee in each school had been trained in the appropriate use and administration of the opioid antagonist.**
- **Require the board or board of directors of a school district, ISD, or PSA that received opioid antagonists at no cost to develop and implement a policy concerning the administration of opioid antagonists in public schools, in consultation with the Department of Health and Human Services (DHHS).**
- **Exempt school employees who in good faith administered an opioid antagonist consistent with the policies of that school from liability in a criminal action or for civil damages as a result of an act or omission in the administration of the opioid antagonist, except for an act or omission amounting to willful or wanton misconduct.**

Senate Bill 405 would amend the Administration of Opioid Antagonists Act to exclude the board or board of directors of a school district, ISD, or PSA from the definition of "governmental agency".

The bills are tie-barred.

Senate Bill 404**School Policy Concerning the Administration of an Opioid Antagonist**

Under the bill, if the DHHS could supply a school district, ISD, or PSA with opioid antagonists at no cost, the board or board of directors of that district, ISD, or PSA would have to ensure that each school operated by the board or board of directors had at least one employee who had been trained in the appropriate use and administration of an opioid antagonist.

The board of a school district or intermediate school district or board of directors of a PSA that received opioid antagonists would have to, in consultation with the DHHS, develop and implement a policy concerning the administration of opioid antagonists in public schools that did at least the following:

- **Required school personnel to notify the parent or legal guardian of a pupil to whom an opioid antagonist had been administered.**

-- Required school personnel to call 9-1-1 if a pupil were believed to be having an opioid-related overdose.

"Opioid antagonist" would mean naloxone hydrochloride or other similarly acting and equally safe drug approved by the United States Food and Drug Administration (FDA) for the treatment of drug overdose.

"Opioid-related overdose" would mean a condition, including 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 an individual who has received training under the bill would believe to be an opioid-related overdose that requires medical assistance.

Exemption from Civil and Criminal Liability

The Revised School Code exempts from civil and criminal liability a school employee who in good faith administers epinephrine to an individual consistent with policies for epinephrine currently required under the Code and similar to those proposed for the administration of opioid antagonists as described above.

Under the bill, a school employee who in good faith administered an opioid antagonist to an individual consistent with the policies above would not be liable in a criminal action or for civil damages as a result of an act or omission in the administration of the opioid antagonist, except for an act or omission amounting to willful or wanton misconduct.

The Code also exempts from civil and criminal liability a school administrator, teacher, or other designated school employee who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the pupil's life or health pursuant to instruction of a medical professional and written permission of a parent or guardian, except for an act or omission amounting to gross negligence or willful or wanton misconduct. The Code specifies that a school employee who is a licensed registered professional nurse does not need another adult present to be exempt from civil or criminal liability when administering a medication in good faith. Under the bill, a school employee who was a licensed registered professional nurse and who administered an opioid antagonist without the presence of another adult also would be exempt from civil or criminal liability.

Senate Bill 405

The Administration of Opioid Antagonists Act allows a governmental agency to purchase and possess an opioid antagonist and distribute the antagonist to its employees. The Act exempts a government agency from civil and criminal liability for possessing or administering in good faith an opioid antagonist.

Currently, "governmental agency" means the State or a political subdivision but does not include a person licensed under Part 209 (Emergency Medical Services) of the Public Health Code. Under the bill, the term also would not include the board or board of directors of a school district, ISD, or PSA.

"Intermediate school district" would mean a corporate body established under Part 7 (Intermediate School Districts) of the Revised School Code.

"Public school academy" would mean a public school academy established under Part 6a (Public School Academies) and, except as used in Part 6a, also includes an urban high school academy established under Part 6c (Urban High School Academies), a school of excellence

established under Part 6e (Schools of Excellence), and a strict discipline academy established under Sections 1311b to 1311m.¹

"School district" would mean a general powers school district organized under the Revised School Code, regardless of previous classification, a community district, or a school district of the first class.

MCL 380.1178 et al. (S.B. 404)
15.671 (S.B. 405)

Legislative Analyst: Alex Krabill

FISCAL IMPACT

The bills would have an indeterminate, though likely small, fiscal impact on districts, ISDs, and PSAs. If the DHHS were able to supply a district, ISD, or PSA with opioid antagonists at no cost, the district, ISD, or PSA would incur some administrative cost to ensure at least one employee of each school had been trained in the appropriate use and administration of an opioid antagonist. Senate Bill 404's immunity provisions could reduce the number of prosecutions and convictions for possession or administration of controlled substances by employees or agents, thus potentially reducing court and corrections costs and costs of litigation for affected districts, ISDs, and PSAs.

Senate Bill 404 would have a minor negative fiscal impact on the DHHS and no impact on local units of government. Although the bill wouldn't require the DHHS to provide opioid antagonists to a school district, ISD, or PSA, an initial cost to provide a two dose unit of naloxone, specifically Narcan, would range from \$36,203 to \$135,751.² The lower amount would provide a single two dose unit to each school district, while the higher amount would provide a single two dose unit to each school.³ Currently, the DHHS operates Narcan Direct, a Naloxone distribution portal, which uses Opioid Healing and Recovery Fund revenue and Federal grants to distribute opioid antagonists to either a person, organization, or governmental entity free of charge upon submission and approval of an online request form. If districts or individual schools were already using Narcan Direct to receive Narcan, this would offset a portion of the initial costs.

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¹ Sections 1311b to 1311m of the Revised School Code establish, describe the powers and duties of, and describe the administration of, a strict discipline academy. Broadly speaking, a strict discipline academy is a public school that educates pupils who have been expelled or suspended from other educational institutions, or who have been ordered by a court to attend due to behavioral issues.

² Per the National Governor's Association the public interest price for Narcan is \$41 per two-dose unit. <https://www.nga.org/news/commentary/nonprescription-naloxone-availability/>

³ There are 883 districts within the State and 3,311 individual schools.