

**SUBSTITUTE FOR
SENATE BILL NO. 401**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17744b (MCL 333.17744b), as amended by 2024 PA
232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17744b. (1) Notwithstanding any provision of this act to
2 the contrary, a prescriber may issue a prescription for and a
3 dispensing prescriber or pharmacist may dispense an opioid
4 antagonist to any of the following:

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

7 (b) A family member, friend, or other individual in a position
8 to assist an individual at risk of experiencing an opioid-related

1 overdose.

2 (c) A person other than an individual that meets all of the
3 following requirements:

4 (i) Acts at the direction of the prescriber or dispensing
5 prescriber.

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

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

10 (iv) Performs the requirements under this subsection without
11 charge or compensation.

12 (d) An agency authorized to purchase or otherwise obtain,
13 possess, and distribute an opioid antagonist under the
14 administration of opioid antagonists act, 2019 PA 39, MCL 15.671 to
15 15.677.

16 (2) When issuing a prescription for or dispensing an opioid
17 antagonist as authorized under this section to an agency described
18 in subsection (1)(d) or a person other than a patient, the
19 prescriber, dispensing prescriber, or pharmacist, as appropriate,
20 shall insert the name of the agency or the person as the name of
21 the patient.

22 **(3) Notwithstanding any provision of this act to the contrary,**
23 **a prescriber who issues a prescription to a patient for an opioid**
24 **shall, at that time, offer the patient a prescription for an opioid**
25 **antagonist if any of the following apply:**

26 **(a) The prescription for the opioid is for a dosage that is**
27 **equal to or greater than 50 morphine milligram equivalents per day.**

28 **(b) The opioid is prescribed concurrently with a prescription**
29 **for a benzodiazepine.**

1 (c) The patient is at an increased risk of experiencing an
2 opioid-related overdose. For purposes of this subdivision, a
3 patient is considered to be at an increased risk of experiencing an
4 opioid-related overdose if the patient has a known history of
5 opioid-related overdose or substance use disorder or the patient is
6 at risk for returning to a high dose of an opioid to which the
7 patient is no longer tolerant.

8 (4) ~~(3)~~—Notwithstanding any provision of this act to the
9 contrary, a person that is acting in good faith and with reasonable
10 care may possess and dispense an opioid antagonist.

11 (5) ~~(4)~~—Notwithstanding any provision of this act to the
12 contrary, an agency described in subsection (1)(d) or an employee
13 or agent of an agency described in subsection (1)(d) may, subject
14 to the administration of opioid antagonists act, 2019 PA 39, MCL
15 15.671 to 15.677, possess, administer, and distribute an opioid
16 antagonist dispensed to the agency under this section.

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