

SENATE BILL NO. 401

June 11, 2025, Introduced by Senators SANTANA and HERTEL and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17744b (MCL 333.17744b), as amended by 2019 PA 36.

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, **subject to subsection (2)**, issue a
- 3 prescription for and a dispensing prescriber or pharmacist may
- 4 dispense an opioid antagonist to any of the following:
- 5 (a) An individual patient at risk of experiencing an opioid-

1 related overdose.

2 (b) A family member, friend, or other individual in a position
3 to assist an individual at risk of experiencing an opioid-related
4 overdose.

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

7 (i) Acts at the direction of the prescriber or dispensing
8 prescriber.

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

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

13 (iv) Performs the requirements under this subsection without
14 charge or compensation.

15 (d) An agency authorized to purchase, possess, and distribute
16 an opioid antagonist under the administration of opioid antagonists
17 act, 2019 PA 39, MCL 15.671 to 15.677.

18 **(2) Notwithstanding any provision of this act to the contrary,**
19 **a prescriber who issues a prescription to a patient for an opioid**
20 **shall, at that time, also issue the patient a prescription for an**
21 **opioid antagonist. A dispensing prescriber or pharmacist may**
22 **dispense the opioid antagonist to the patient.**

23 **(3)** ~~(2)~~—When issuing a prescription for or dispensing an
24 opioid antagonist as authorized under this section to an agency
25 described in subsection (1)(d) or a person other than a patient,
26 the prescriber, dispensing prescriber, or pharmacist, as
27 appropriate, shall insert the name of the agency or the person as
28 the name of the patient.

29 **(4)** ~~(3)~~—Notwithstanding any provision of this act to the

1 contrary, a person that is acting in good faith and with reasonable
2 care may possess and dispense an opioid antagonist.

3 (5) ~~(4)~~—Notwithstanding any provision of this act to the
4 contrary, an employee or agent of an agency described in subsection
5 (1)(d) may, subject to section 105 of the administration of opioid
6 antagonists act, **2019 PA 39, MCL 15.675**, possess and administer an
7 opioid antagonist dispensed to the agency under this section.

8 (6) ~~(5)~~—A prescriber who issues a prescription for or a
9 dispensing prescriber or pharmacist who dispenses an opioid
10 antagonist as authorized under this section is not liable in a
11 civil action for a properly stored and dispensed opioid antagonist
12 that was a proximate cause of injury or death to an individual due
13 to the administration of or failure to administer the opioid
14 antagonist.