

LAW ENFORCEMENT AND FIREFIGHTER ACCESS TO EPINEPHRINE ACT (EXCERPT)
Act 312 of 2020

28.823 Civil and criminal immunity; "gross negligence" defined.

Sec. 3. (1) An eligible entity that purchases, stores, or provides to a law enforcement officer or firefighter auto-injectable epinephrine for use under section 2 is immune from civil liability for injuries, death, or damages arising out of the administration of that auto-injectable epinephrine to any individual, if the conduct does not amount to gross negligence that is the proximate cause of injury, death, or damage.

(2) Any law enforcement officer or firefighter who possesses, administers, or fails to administer auto-injectable epinephrine under section 2 is immune from civil liability for injuries, death, or damages arising out of the administration or failure to administer auto-injectable epinephrine to any individual, if the conduct does not constitute willful or wanton misconduct that is the proximate cause of injury, death, or damage.

(3) An eligible entity that purchases, possesses, or distributes auto-injectable epinephrine under section 2 and any law enforcement officer or firefighter who possesses, administers, or fails to administer auto-injectable epinephrine under section 2 is not subject to criminal prosecution for purchasing, possessing, or distributing auto-injectable epinephrine, or administering or failing to administer auto-injectable epinephrine to any 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.

(5) As used in this section, "gross negligence" means that term as defined in section 7 of 1964 PA 170, MCL 691.1407.

History: 2020, Act 312, Imd. Eff. Dec. 29, 2020.