

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

AN ACT to allow certain law enforcement officers and firefighters to administer auto-injectable epinephrine in certain circumstances; to provide access to auto-injectable epinephrine by eligible entities, law enforcement officers, and firefighters; and to limit civil and criminal liability of certain entities and individuals.

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

The People of the State of Michigan enact:

28.821 Short title; definitions.

Sec. 1. (1) This act shall be known and may be cited as the "law enforcement and firefighter access to epinephrine act".

(2) As used in this act:

(a) "Eligible entity" means a law enforcement agency or organized fire department that is prescribed auto-injectable epinephrine.

(b) "Firefighter" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(c) "Law enforcement agency" means that term as defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602.

(d) "Law enforcement officer" means that term as defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602.

(e) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

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

28.822 Purchase and possession of auto-injectable epinephrine; eligible entities; distribution to law enforcement officers or firefighters; training required.

Sec. 2. (1) An eligible entity may purchase and possess auto-injectable epinephrine for purposes of this act and distribute that auto-injectable epinephrine to law enforcement officers or firefighters in its employ who have been trained in the administration of that auto-injectable epinephrine as required under subsection (3).

(2) If a law enforcement officer or firefighter has completed the training required under subsection (3), the law enforcement officer or firefighter may administer auto-injectable epinephrine prescribed to an eligible entity to an individual who the law enforcement officer or firefighter has reason to believe is experiencing anaphylaxis, regardless of whether the individual has a prescription for epinephrine or has been previously diagnosed with an allergy.

(3) An individual shall complete training on the proper administration of auto-injectable epinephrine before administering auto-injectable epinephrine under this act.

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