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House Bill 4367 (as passed by the House)
Sponsor: Representative Jason M. Sheppard
House Committee: Government Operations
Senate Committee: Health Policy and Human Services

Date Completed: 4-23-19

CONTENT

House Bill 4367 would create the "Administration of Opioid Antagonists by Library Employees Act" to do the following:

- **Allow a public library to purchase and possess an opioid antagonist, and distribute it to a library employee or agent.**
- **Permit a library employee or agent to administer an opioid antagonist to an individual, if the employee or agent had been trained in the administration of an opioid antagonist and believed that the individual was experiencing an opioid-related overdose.**
- **Exempt from civil liability a public library that purchased, possessed, or distributed an opioid antagonist, and a library employee or agent who possessed or in good faith administered an opioid antagonist, if the conduct did not amount to gross negligence.**
- **Exempt from criminal prosecution a public library that purchased, possessed, or distributed an opioid antagonist, and a library employee or agent who possessed or in good faith administered an opioid antagonist.**

The bill is tie-barred to House Bill 4366, and would take effect 90 days after its enactment. (House Bill 4366 would amend the Public Health Code to allow prescribers to issue a prescription for, and to allow a dispensing prescriber or pharmacist to dispense an opioid antagonist to a public library employee.)

The proposed Act would allow a public library to purchase and possess an opioid antagonist and to distribute it to a library employee or agent who had been trained in the administration of that opioid antagonist.

"Public library" would mean a library that is lawfully established for free public purposes by one or more counties, cities, townships, villages, school districts, or other local governments, or a combination of those entities, or by a public or local act, the entire interests of which belong to the general public. The term would not include a special library such as a professional, technical, or school library.

"Library employee or agent" would mean any of the following:

- An individual who is employed by a public library.
- An individual who works in a public library under a contract with the library.
- An appointed or elected official who serves on the governing board of a public library.

-- An individual who volunteers with a public library.

"Opioid antagonist" would mean naloxone hydrochloride or any other similarly acting and equally safe drug approved by the Federal Food and Drug Administration for the treatment of drug overdose.

A library employee or agent could possess an opioid antagonist distributed to him or her, and could administer it to an individual if both of the following applied:

- The employee or agent had been trained in the proper administration of that opioid antagonist.
- The employee or agent had reason to believe that the individual was experiencing an opioid-related 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 a reasonable person would believe to be an opioid-related overdose that requires medical assistance.

A public library that purchased, possessed, or distributed an opioid antagonist, and a library employee or agent who possessed or in good faith administered an opioid antagonist, would be immune from civil liability for injuries or damages arising out of the administration of that opioid antagonist to an individual if the conduct did not amount to gross negligence that was the proximate cause of the injury or damage, and would not be subject to criminal prosecution for purchasing, possessing, or distributing an opioid antagonist to an individual.

"Gross negligence" would mean that term as defined in the governmental immunity law (conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results).

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.