

HOUSE BILL NO. 4367

March 14, 2019, Introduced by Rep. Sheppard and referred to the Committee on Government Operations.

A bill to allow library employees or agents to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by certain libraries and library employees or agents; and to limit the civil and criminal liability of certain libraries and library employees or agents for the possession, distribution, and use of opioid antagonists under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) This act shall be known and may be cited as the

1 "administration of opioid antagonists by library employees act".

2 (2) As used in this act:

3 (a) "Library employee or agent" means any of the following:

4 (i) An individual who is employed by a public library.

5 (ii) An individual who works in a public library under a
6 contract with the public library.

7 (iii) An appointed or elected official who serves on the
8 governing board of a public library.

9 (iv) An individual who volunteers with a public library.

10 (b) "Opioid antagonist" means naloxone hydrochloride or any
11 other similarly acting and equally safe drug approved by the
12 federal Food and Drug Administration for the treatment of drug
13 overdose.

14 (c) "Opioid-related overdose" means a condition, including,
15 but not limited to, extreme physical illness, decreased level of
16 consciousness, respiratory depression, coma, or death, that results
17 from the consumption or use of an opioid or another substance with
18 which an opioid was combined or that a reasonable person would
19 believe to be an opioid-related overdose that requires medical
20 assistance.

21 (d) "Public library" means a library that is lawfully
22 established for free public purposes by 1 or more counties, cities,
23 townships, villages, school districts, or other local governments
24 or a combination thereof, or by a public or local act, the entire
25 interests of which belong to the general public. Public library
26 does not include a special library such as a professional,
27 technical, or school library.

28 Sec. 103. A public library may purchase and possess an opioid
29 antagonist for purposes of this act and distribute that opioid

1 antagonist to a library employee or agent who has been trained in
2 the administration of that opioid antagonist for purposes of this
3 act.

4 Sec. 105. A library employee or agent may possess an opioid
5 antagonist distributed to that employee or agent under section 103
6 and may administer that opioid antagonist to an individual if both
7 of the following apply:

8 (a) The library employee or agent has been trained in the
9 proper administration of that opioid antagonist.

10 (b) The library employee or agent has reason to believe that
11 the individual is experiencing an opioid-related overdose.

12 Sec. 107. (1) A public library that purchases, possesses, or
13 distributes an opioid antagonist under section 103, and a library
14 employee or agent that possesses or in good faith administers an
15 opioid antagonist under section 105, is immune from civil liability
16 for injuries or damages arising out of the administration of that
17 opioid antagonist to an individual under this act if the conduct
18 does not amount to gross negligence that is the proximate cause of
19 the injury or damage. As used in this subsection, "gross
20 negligence" means that term as defined in section 7 of 1964 PA 170,
21 MCL 691.1407.

22 (2) A public library that purchases, possesses, or distributes
23 an opioid antagonist under section 103, and a library employee or
24 agent that possesses or in good faith administers an opioid
25 antagonist under section 105, is not subject to criminal
26 prosecution for purchasing, possessing, or distributing an opioid
27 antagonist under this act or for administering an opioid antagonist
28 to an individual under this act.

29 Enacting section 1. This act takes effect 90 days after the

1 date it is enacted into law.

2 Enacting section 2. This act does not take effect unless

3 Senate Bill No.____ or House Bill No.____ (request no. 01905'19 a)

4 of the 100th Legislature is enacted into law.