

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4367**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) This act shall be known and may be cited as the
2 "administration of opioid antagonists act".

3 (2) As used in this act:

4 (a) "Agency" means a governmental agency.

5 (b) "Employee or agent" means any of the following:

1 (i) An individual who is employed by, or under contract with,
2 an agency.

3 (ii) An individual who serves on the governing body of an
4 agency.

5 (iii) An individual who volunteers with an agency.

6 (c) "Governmental agency" means this state or a political
7 subdivision but does not include a person licensed under part 209
8 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979.

9 (d) "Municipal corporation" means a city, village, or township
10 or a combination of 2 or more of these when acting jointly.

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

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

22 (g) "Political subdivision" means a municipal corporation,
23 county, county road commission, school district, community college
24 district, public library, port district, metropolitan district, or
25 transportation authority or a combination of 2 or more of these
26 when acting jointly; a district or authority authorized by law or
27 formed by 1 or more political subdivisions; or an agency,
28 department, court, board, or council of a political subdivision.

29 (h) "State" means this state and its agencies, departments,

1 commissions, courts, boards, councils, and statutorily created task
2 forces. State includes a public university or college of this
3 state, whether established as a constitutional corporation or
4 otherwise.

5 Sec. 103. An agency may purchase and possess an opioid
6 antagonist for purposes of this act and distribute that opioid
7 antagonist to an employee or agent who has been trained in the
8 administration of that opioid antagonist for purposes of this act.

9 Sec. 105. An employee or agent may possess an opioid
10 antagonist distributed to that employee or agent under section 103
11 and may administer that opioid antagonist to an individual if both
12 of the following apply:

13 (a) The employee or agent has been trained in the proper
14 administration of that opioid antagonist.

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

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

27 (2) An agency that purchases, possesses, or distributes an
28 opioid antagonist under section 103, and an employee or agent that
29 possesses or in good faith administers an opioid antagonist under

1 section 105, is not subject to criminal prosecution for purchasing,
2 possessing, or distributing an opioid antagonist under this act or
3 for administering an opioid antagonist to an individual under this
4 act.

5 (3) The immunity provided under this section is in addition to
6 any immunity otherwise provided by law.

7 Enacting section 1. 2014 PA 462, MCL 28.541 to 28.544, is
8 repealed.

9 Enacting section 2. This act takes effect 90 days after the
10 date it is enacted into law.

11 Enacting section 3. This act does not take effect unless all
12 of the following bills of the 100th Legislature are enacted into
13 law:

14 (a) Senate Bill No. 200.

15 (b) Senate Bill No. 282.

16 (c) Senate Bill No. 283.