

# HOUSE BILL No. 5849

April 19, 2018, Introduced by Reps. Green, Ellison, Marino, Elder, Howrylak, Zemke, Hertel, Yancey, Pagan, Lucido, Brann and Rabhi and referred to the Committee on Health Policy.

A bill to amend 2014 PA 462, entitled

"An act to allow peace officers to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by law enforcement agencies and peace officers; and to limit the civil and criminal liability of law enforcement agencies and peace officers for the possession, distribution, and use of opioid antagonists under certain circumstances,"

by amending section 1 (MCL 28.541).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. As used in this act:

2           (a) "Law enforcement agency" means an entity of this state or  
3 of a local unit of government of this state that employs peace  
4 officers.

5           (b) "Opioid antagonist" means naloxone hydrochloride or any  
6 other similarly acting and equally safe drug approved by the  
7 federal ~~food and drug administration~~ **FOOD AND DRUG ADMINISTRATION**  
8 for the treatment of drug overdose.

1 (c) "Opioid-related overdose" means a condition, including,  
2 but not limited to, extreme physical illness, decreased level of  
3 consciousness, respiratory depression, coma, or death, that results  
4 from the consumption or use of an opioid or another substance with  
5 which an opioid was combined or that a reasonable person would  
6 believe to be an opioid-related overdose that requires medical  
7 assistance.

8 (d) "Peace officer" means 1 or more of the following:

9 (i) A regularly employed member of a law enforcement agency  
10 authorized and established under law, including common law, who is  
11 responsible for the prevention and detection of crime and the  
12 enforcement of the general criminal laws of this state. Peace  
13 officer does not include a person serving solely because he or she  
14 occupies any other office or position.

15 (ii) A law enforcement officer of a Michigan Indian tribal  
16 police force.

17 (iii) The sergeant at arms or any assistant sergeant at arms  
18 of either house of the legislature who is commissioned as a police  
19 officer by that respective house of the legislature as provided by  
20 the legislative sergeant at arms police powers act, 2001 PA 185,  
21 MCL 4.381 to 4.382.

22 (iv) A law enforcement officer of a multicounty metropolitan  
23 district.

24 (v) A police officer or public safety officer of a community  
25 college, college, or university who is authorized by the governing  
26 board of that community college, college, or university to enforce  
27 state law and the rules and ordinances of that community college,

1 college, or university.

2 (vi) A LOCAL CORRECTIONS OFFICER AS THAT TERM IS DEFINED IN  
3 SECTION 2 OF THE LOCAL CORRECTIONS OFFICERS TRAINING ACT, 2003 PA  
4 125, MCL 791.532.

5 (vii) A STATE CORRECTIONAL OFFICER AS THAT TERM IS DEFINED IN  
6 SECTION 2 OF THE CORRECTIONAL OFFICERS' TRAINING ACT OF 1982, 1982  
7 PA 415, MCL 791.502.

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.