

ALLOW CORRECTIONS OFFICERS TO ADMINISTER OPIOID ANTAGONISTS

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House Bill 4056 as referred to second committee

Sponsor: Rep. Sarah Anthony

1st Committee: Health Policy

2nd Committee: Ways and Means

Complete to 5-6-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4056 would expand the definition of “peace officer” in 2014 PA 462, an act dealing with the carrying and administering of opioid antagonists. Opioid antagonists are drugs approved by the federal Food and Drug Administration (FDA) for the treatment of drug overdose.

FISCAL IMPACT: House Bill 4056 would not have a fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

2014 PA 462 provided that law enforcement agencies may purchase opioid antagonists and provide them to “peace officers.” However, while the definition of peace officer in that act included members of law enforcement agencies, the sergeants at arms of both houses of the legislature, law enforcement officers of multi-county metropolitan districts, and police officers or public safety officers of community colleges, colleges, and universities, **it did not include corrections officers.** This bill would remedy that apparent oversight.

Many jails and prisons do not have full-time medical staff, and this bill would allow appropriately trained corrections officers to administer opioid antagonists in case of emergency, rather than waiting for paramedics to arrive.

THE CONTENT OF THE BILL:

House Bill 4056 would expand the definition of “peace officer” in 2014 PA 462, an act dealing with the carrying and administering of opioid antagonists. Opioid antagonists are drugs approved by the FDA for the treatment of drug overdose.

Currently, 2014 PA 462 provides that law enforcement agencies may purchase opioid antagonists and provide them to “peace officers.” Peace officers may then administer the drugs to an individual if they (1) have received training in their administration and (2) have reason to believe that the individual is experiencing an opioid-related overdose. As long as the law enforcement agency and peace officer act in good faith and their acts do not constitute gross negligence, they are immune from civil liability and criminal prosecution.

The bill would expand the definition of “peace officer” to include the following:

- **Local corrections officer:** any person employed by a county sheriff in a local correctional facility as a corrections officer or that person’s supervisor or administrator.
- **State correctional officer:** any person employed by the Department of Corrections in a correctional facility as a correctional officer or a corrections medical aide, or that person’s immediate supervisor.

The bill would take effect 90 days after enactment.

MCL 28.541

ARGUMENTS:

For:

Supporters argued that, in the course of conducting routine wellness checks on inmates during their rounds, corrections officers are often the first responders on the scene of a drug overdose. However, they are not currently included in the definition of “peace officer” and are therefore not afforded the same protections as other first responders. Including them in that definition could speed the administration of an opioid antagonist by the few minutes needed to save a life, proponents argued.

Against:

No one testified or voted against the bill in House committee.

POSITIONS:

A representative of the Michigan Corrections Organization testified in support of the bill. (3-21-19)

The following organizations indicated support for the bill:

- Michigan Department of Corrections (3-21-19)
- Service Employees International Union Michigan State Council (3-21-19)
- Michigan Association of Health Plans (4-25-19)
- Michigan Sheriffs’ Association (4-25-19)

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