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House Bills 5077 and 5078 (as passed by the House)  
Sponsor: Representative Curtis S. VanderWall  
House Committee: Health Policy  
Senate Committee: Health Policy

Date Completed: 6-18-24

## **CONTENT**

**House Bill 5077 would amend the Administration of Opioid Antagonists Act to specify that an agency that purchased or otherwise obtained and possessed an opioid antagonist or an employee or agency of an agency who possessed an opioid antagonist distributed to that employee or agency could distribute that opioid antagonist directly or indirectly to any individual.**

**House Bill 5078 would amend the Public Health Code to allow a prescriber to issue a prescription for and a dispensing prescriber or pharmacist to dispense an opioid antagonist to an agency authorized to obtain an opioid antagonist under the Administration of Opioid Antagonists Act.**

The bills are tie-barred.

### **House Bill 5077**

The Administration of Opioid Antagonists Act allows an agency to purchase and possess an opioid antagonist for purposes of the Act and distribute that opioid antagonist to an employee or agent who has been trained in the administration of that opioid antagonist for purposes of the Act. Under the bill, an agency could purchase or *otherwise obtain* and possess an opioid antagonist for purposes of the Act and distribute that opioid antagonists as described below and could distribute that opioid antagonist to an employee or agent who has been trained in the administration of that opioid antagonist for purposes of the Act.

An agency that purchased or otherwise obtained and possessed an opioid antagonist or an employee or agency of an agency who possessed an opioid antagonist distributed to that employee or agency could distribute that opioid antagonist directly or indirectly to any individual.

The Act specifies that an agency that purchases, possesses, or distributes an opioid antagonist is immune from civil liability for injury, death, or damages arising out of the administration of that opioid antagonist to an individual under the Act, if the conduct does not amount to gross negligence that is the proximate cause of the injury, death, or damages.

An employee or agent that possesses, administers, or fails to administer an opioid antagonist is immune from civil liability for injury, death, or damages arising out of the administration or failure to administer that opioid antagonist to an individual under the Act, if the conduct does not amount to willful or wanton misconduct that is the proximate cause of the injury, death, or damages.

An agency that purchases, possesses, or distributes an opioid antagonist, and an employee or agent that possesses, administers, or fails to administer an opioid antagonist, is not subject to criminal prosecution for purchasing, possessing, or distributing an opioid antagonist under the Act or for administering or failing to administer an opioid antagonist to an individual under the Act.

Under the bill, these provisions also would apply to the distribution of an opioid antagonist to any individual directly or indirectly as described in the bill.

### **House Bill 5078**

The Public Health Code allows a prescriber to issue a prescription for and a dispensing prescriber or pharmacist to dispense an opioid antagonist to an agency authorized to purchase, possess, and distribute an opioid antagonist under the Administration of Opioid Antagonists Act.

Under the bill, a prescriber also could issue a prescription for and a dispensing prescriber or pharmacist could dispense an opioid antagonist to an agency authorized to obtain an opioid antagonist under the Administration of Opioid Antagonists Act.

Notwithstanding any provision of the Code to the contrary, an employee or agent of an agency authorized to purchase, possess, and distribute an opioid antagonist may, subject to the Administration of Opioid Antagonists Act, possess and administer an opioid antagonist dispensed to the agency. Instead, under the bill, notwithstanding any provision of the Code to the contrary, an agency or an employee or agent of an agency authorized to purchase or otherwise obtain, possess, and distribute an opioid antagonist could, subject to the Administration of Opioid Antagonists Act, possess, administer, and distribute an opioid antagonist dispensed to the agency.

MCL 15.673 et al. (H.B. 5077)  
333.17744b (H.B. 5078)

Legislative Analyst: Alex Krabill

### **BACKGROUND**

Opioid antagonists are medications that block the activation of opioid receptors in an individual's central or peripheral nervous systems.<sup>1</sup> They are often used to treat opioid overdose, opioid use disorder, alcohol use disorder, and opioid-induced constipation. Common opioid antagonists are naloxone, naltrexone, nalmefene, and methylnaltrexone.

### **FISCAL IMPACT**

The bills could have a positive fiscal impact on the State and local governments. The immunity provisions could reduce the number of prosecutions and convictions for possession or administration of controlled substances by employees or agents, which could reduce court and corrections costs and costs of litigation for an agency that obtained opioid antagonists and trained agents or employees in the administration of opioid antagonists.

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<sup>1</sup> Cleveland Clinic, "Opioid Antagonist", April 2023.

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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.