

HOUSE BILL NO. 5077

October 03, 2023, Introduced by Reps. VanderWall, Rheingans, Prestin, Arbit, Dievendorf, Hood, Brixie, Andrews, Fitzgerald, Stone, Brabec, Hill, Hope, Coffia, Byrnes, Martus, Haadsma, Conlin, Bollin, Weiss, Morse, MacDonell and Aiyash and referred to the Committee on Health Policy.

A bill to amend 2019 PA 39, entitled "Administration of opioid antagonists act," by amending the title and sections 103 and 107 (MCL 15.673 and 15.677), section 107 as amended by 2020 PA 321, and by adding section 106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 TITLE
- 2 An act to allow certain employees or agents to carry, ~~and~~
- 3 administer, **and distribute** opioid antagonists in certain

1 circumstances; to provide access to opioid antagonists by certain
2 agencies and employees or agents; to limit the civil and criminal
3 liability of certain agencies and employees or agents for the
4 possession, distribution, and use of opioid antagonists under
5 certain circumstances; and to repeal acts and parts of acts.

6 Sec. 103. An agency may purchase **or otherwise obtain** and
7 possess an opioid antagonist for purposes of this act and
8 distribute that opioid antagonist **as provided in section 106 and**
9 **may distribute that opioid antagonist** to an employee or agent who
10 has been trained in the administration of that opioid antagonist
11 for purposes of this act.

12 Sec. 106. An agency that purchases or otherwise obtains and
13 possesses an opioid antagonist under section 103 or an employee or
14 agent of an agency who possesses an opioid antagonist distributed
15 to that employee or agent under section 103 may directly or
16 indirectly distribute that opioid antagonist to any individual.

17 Sec. 107. (1) An agency that purchases **or otherwise obtains**,
18 possesses, or distributes an opioid antagonist under section 103 **or**
19 **106** is immune from civil liability for injury, death, or damages
20 arising out of the administration **or distribution** of that opioid
21 antagonist to an individual under this act, if the conduct does not
22 amount to gross negligence that is the proximate cause of the
23 injury, death, or damages. As used in this subsection, "gross
24 negligence" means that term as defined in section 7 of 1964 PA 170,
25 MCL 691.1407.

26 (2) An employee or agent that possesses, administers, or fails
27 to administer an opioid antagonist under section 105 **or distributes**
28 **an opioid antagonist under section 106** is immune from civil
29 liability for injury, death, or damages arising out of the

1 **distribution or** administration **of** or failure to administer that
2 opioid antagonist to an individual under this act, if the conduct
3 does not amount to willful or wanton misconduct that is the
4 proximate cause of the injury, death, or damages.

5 (3) An agency that purchases **or otherwise obtains**, possesses,
6 or distributes an opioid antagonist under section 103 **or 106**, and
7 an employee or agent that possesses, administers, or fails to
8 administer an opioid antagonist under section 105 **or distributes an**
9 **opioid antagonist under section 106**, is not subject to criminal
10 prosecution for purchasing **or otherwise obtaining**, possessing, or
11 distributing an opioid antagonist under this act or for
12 administering or failing to administer an opioid antagonist to an
13 individual under this act.

14 (4) This section does not eliminate, limit, or reduce any
15 other immunity or defense that may be available under the laws of
16 this state.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 5078 (request no.
19 03536'23 a) of the 102nd Legislature is enacted into law.