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Senate Bill 1049 (as enacted)
Sponsor: Senator Tonya Schuitmaker
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 462 of 2014

Date Completed: 1-27-15

CONTENT

The bill created a new act to do the following:

- **Allow a law enforcement agency to purchase and distribute to its officers an opioid antagonist.**
- **Allow a peace officer who is trained in the proper administration of an opioid antagonist to possess and administer it to a person experiencing an opioid-related overdose.**
- **Grant civil and criminal immunity to a law enforcement agency or peace officer who possesses and uses an opioid antagonist as allowed under the bill.**

The bill defines "opioid-related overdose" as a condition that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a reasonable person would believe to be an opioid-related overdose that requires medical assistance. The conditions resulting from consumption or use of an opioid or other substance include, but are not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death.

"Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the Federal Food and Drug Administration for the treatment of drug overdose.

The bill took effect on January 12, 2015.

Purchase, Possession, & Administration

The bill authorizes a law enforcement agency to purchase and possess any opioid antagonist and distribute it to peace officers it employs who have been trained in the administration of the opioid antagonist.

A peace officer may possess any opioid antagonist that a law enforcement agency has distributed to him or her and may administer it to an individual if both of the following apply:

- The officer has been trained in the proper administration of the opioid antagonist.
- The officer has reason to believe that the person is experiencing an opioid-related overdose.

Civil & Criminal Immunity

A law enforcement agency that purchases, possesses, or distributes any opioid antagonist under the bill, and any peace officer who possesses or in good faith administers an opioid antagonist, is immune from civil liability for injuries or damage arising out of the administration of that drug to any individual if the conduct does not amount to gross negligence that is the proximate cause of the injury or damage. An agency or officer also is not subject to criminal prosecution for buying, possessing, distributing, or administering any opioid antagonist under the bill.

MCL 28.541-28.544

BACKGROUND

Abuse of prescription drugs, particularly opioids, is a growing concern in Michigan and throughout the United States. According to the National Institute on Drug Abuse website, opioids are medications that reduce the intensity of pain signals reaching the brain and affect those areas of the brain that control emotion, thereby diminishing the effects of painful stimuli. When people become addicted to strong prescription painkillers—opioids—they may turn to illegal opiates such as heroin when their prescriptions run out. In recent years, abuse of both opioids and heroin, as well as the number of deaths from overdoses of both substances, has increased sharply, according to various reports and articles.

A substance that is an "opioid antagonist", however, can counteract the effects of overdose from either prescription drugs or heroin. In particular, a fast-acting medication called naloxone can be used to treat someone who is having, or is suspected of having, an overdose. In an effort to encourage the use of this medication and promote its availability, Public Acts 311 through 314 (which took effect on October 14, 2014) extend liability protection to people who administer or prescribe an opioid antagonist, require life support vehicles to carry the medication, and require emergency personnel to be trained to administer it.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill may result in supply and training costs to those law enforcement agencies that opt to purchase and use opioid antagonists as allowed under the bill.

The bill's immunity provision may potentially reduce the number of prosecutions and convictions for possession or administration of controlled substances by peace officers, thus potentially reducing court and corrections costs and costs of litigation for a law enforcement entity that chooses to purchase and possess opioid antagonists and train officers in the administration of opioid antagonists.

Fiscal Analyst: Bruce Baker

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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.