

# HOUSE BILL No. 5390

February 18, 2016, Introduced by Reps. Schor, Faris, LaVoy, Lucido, Forlini, Callton, Darany, Chirkun, Yanez, Driskell, Singh, Geiss and Plawecki 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 the title and sections 1, 2, 3, and 4 (MCL 28.541, 28.542, 28.543, and 28.544).

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

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TITLE

An act to ~~allow~~**REQUIRE** peace officers **AND FIREFIGHTERS** to carry and administer opioid antagonists in certain circumstances; **TO REQUIRE PEACE OFFICERS AND FIREFIGHTERS TO RECEIVE TRAINING FOR ADMINISTERING OPIOID ANTAGONISTS;** to provide access to opioid antagonists by law enforcement agencies, **ORGANIZED FIRE DEPARTMENTS, FIREFIGHTERS,** and peace officers; and to limit the

1 civil and criminal liability of **LOCAL UNITS OF GOVERNMENT**, law  
2 enforcement agencies, **ORGANIZED FIRE DEPARTMENTS, FIREFIGHTERS**, and  
3 peace officers for the possession, distribution, and use of opioid  
4 antagonists under certain circumstances.

5 Sec. 1. As used in this act:

6 (A) **"DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND HUMAN**  
7 **SERVICES.**

8 (B) **"FIREFIGHTER" MEANS A MEMBER, INCLUDING VOLUNTEER MEMBERS**  
9 **AND MEMBERS PAID ON CALL, OF AN ORGANIZED FIRE DEPARTMENT WHO IS**  
10 **RESPONSIBLE FOR, OR IS IN A CAPACITY THAT INCLUDES RESPONSIBILITY**  
11 **FOR, THE EXTINGUISHMENT OF FIRES, THE DIRECTING OF THE**  
12 **EXTINGUISHMENT OF FIRES, THE PREVENTION AND DETECTION OF FIRES, AND**  
13 **THE ENFORCEMENT OF THE GENERAL FIRE LAWS OF THIS STATE.**

14 (C) ~~(a)~~—"Law enforcement agency" means an entity of this state  
15 or of a local unit of government of this state that employs peace  
16 officers.

17 (D) ~~(b)~~—"Opioid antagonist" means naloxone hydrochloride or  
18 any other similarly acting and equally safe drug approved by the  
19 federal food and drug administration for the treatment of drug  
20 overdose.

21 (E) ~~(e)~~—"Opioid-related overdose" means a condition,  
22 including, but not limited to, extreme physical illness, decreased  
23 level of consciousness, respiratory depression, coma, or death,  
24 that results from the consumption or use of an opioid or another  
25 substance with which an opioid was combined or that a reasonable  
26 person would believe to be an opioid-related overdose that requires  
27 medical assistance.

1           (F) "ORGANIZED FIRE DEPARTMENT" MEANS A DEPARTMENT, AUTHORITY,  
2 OR OTHER GOVERNMENTAL ENTITY THAT SAFEGUARDS LIFE AND PROPERTY FROM  
3 DAMAGE FROM EXPLOSION, FIRE, OR DISASTER AND THAT PROVIDES FIRE  
4 SUPPRESSION AND OTHER RELATED SERVICES IN THIS STATE. ORGANIZED  
5 FIRE DEPARTMENT INCLUDES ANY LAWFULLY ORGANIZED FIREFIGHTING FORCE  
6 IN THIS STATE.

7           (G) ~~(d)~~—"Peace officer" means 1 or more of the following:

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

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

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

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

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

1           Sec. 2. (1) A LOCAL UNIT OF GOVERNMENT, INCLUDING THIS STATE,  
2 THAT EMPLOYS EITHER A law enforcement agency ~~may~~ OR AN ORGANIZED  
3 FIRE DEPARTMENT, OR BOTH, SHALL purchase and ~~possess any opioid~~  
4 ~~antagonist~~ ANTAGONISTS for purposes of this act and distribute that  
5 THOSE opioid ~~antagonist~~ ANTAGONISTS to peace officers AND  
6 FIREFIGHTERS in its employ who have been trained in the  
7 administration of that ~~opioid antagonist~~ ANTAGONISTS for purposes  
8 ~~of this act.~~ IN ACCORDANCE WITH THE POLICY ADOPTED BY THE  
9 DEPARTMENT.

10           (2) THE DEPARTMENT SHALL DEVELOP A WRITTEN POLICY REGARDING  
11 THE ACQUISITION, STORAGE, TRANSPORTATION, AND ADMINISTRATION OF  
12 OPIOID ANTAGONISTS. THE DEPARTMENT SHALL ALSO DEVELOP MINIMUM  
13 TRAINING STANDARDS FOR AND PROVIDE TRAINING TO PEACE OFFICERS AND  
14 FIREFIGHTERS WHO ADMINISTER OPIOID ANTAGONISTS. PEACE OFFICERS AND  
15 FIREFIGHTERS TO WHOM A LOCAL UNIT OF GOVERNMENT PROVIDES OPIOID  
16 ANTAGONISTS SHALL COMPLETE TRAINING IN ACCORDANCE WITH THE MINIMUM  
17 TRAINING STANDARDS DEVELOPED BY THE DEPARTMENT. THE OPIOID  
18 ADMINISTRATION TRAINING MAY BE PROVIDED TO PEACE OFFICERS AND  
19 FIREFIGHTERS DIRECTLY BY THE DEPARTMENT OR BY A LOCAL UNIT OF  
20 GOVERNMENT BUT ONLY IF THE TRAINING PROVIDED BY THE LOCAL UNIT OF  
21 GOVERNMENT MEETS THE MINIMUM TRAINING STANDARDS DEVELOPED BY THE  
22 DEPARTMENT.

23           Sec. 3. A peace officer OR FIREFIGHTER may possess any opioid  
24 antagonist distributed to that peace officer OR FIREFIGHTER under  
25 section 2 and may administer that opioid antagonist to an  
26 individual if both of the following apply:

27           (a) The peace officer OR FIREFIGHTER has been trained in the

1 proper administration of that opioid antagonist.

2 (b) The peace officer **OR FIREFIGHTER** has reason to believe  
3 that the individual is experiencing an opioid-related overdose.

4 Sec. 4. (1) A **LOCAL UNIT OF GOVERNMENT THAT PURCHASES AND**  
5 **DISTRIBUTES, OR A** law enforcement agency **OR ORGANIZED FIRE**  
6 **DEPARTMENT** that ~~purchases,~~ possesses ~~,~~ or distributes, any opioid  
7 antagonist under section 2, and any peace officer **OR FIREFIGHTER**  
8 that possesses or in good faith administers an opioid antagonist  
9 under section 3, is immune from civil liability for injuries or  
10 damages arising out of the administration of that opioid antagonist  
11 to any individual under this act if the conduct does not amount to  
12 gross negligence that is the proximate cause of the injury or  
13 damage. As used in this subsection, "gross negligence" means that  
14 term as defined in section 7 of 1964 PA 170, MCL 691.1407.

15 (2) A **LOCAL UNIT OF GOVERNMENT THAT PURCHASES AND DISTRIBUTES,**  
16 **OR A** law enforcement agency **OR ORGANIZED FIRE DEPARTMENT** that  
17 ~~purchases,~~ possesses ~~,~~ or distributes, any opioid antagonist under  
18 section 2, and any peace officer **OR FIREFIGHTER** that possesses or  
19 in good faith administers an opioid antagonist under section 3, is  
20 not subject to criminal prosecution for purchasing, possessing,  
21 distributing, or administering any opioid antagonist to any  
22 individual under this act.