

**SUBSTITUTE FOR
SENATE BILL NO. 418**

A bill to allow certain law enforcement officers and firefighters to administer auto-injectable epinephrine in certain circumstances; to provide access to auto-injectable epinephrine by eligible entities, law enforcement officers, and firefighters; and to limit civil and criminal liability of certain entities and individuals.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "law enforcement and firefighter access to epinephrine act".

3 (2) As used in this act:

4 (a) "Eligible entity" means a law enforcement agency or
5 organized fire department that is prescribed auto-injectable
6 epinephrine.



1 (b) "Firefighter" means that term as defined in section 1 of
2 the fire prevention code, 1941 PA 207, MCL 29.1.

3 (c) "Law enforcement agency" means that term as defined in
4 section 2 of the Michigan commission on law enforcement standards
5 act, 1965 PA 203, MCL 28.602.

6 (d) "Law enforcement officer" means that term as defined in
7 section 2 of the Michigan commission on law enforcement standards
8 act, 1965 PA 203, MCL 28.602.

9 (e) "Organized fire department" means that term as defined in
10 section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

11 Sec. 2. (1) An eligible entity may purchase and possess auto-
12 injectable epinephrine for purposes of this act and distribute that
13 auto-injectable epinephrine to law enforcement officers or
14 firefighters in its employ who have been trained in the
15 administration of that auto-injectable epinephrine as required
16 under subsection (3).

17 (2) If a law enforcement officer or firefighter has completed
18 the training required under subsection (3), the law enforcement
19 officer or firefighter may administer auto-injectable epinephrine
20 prescribed to an eligible entity to an individual who the law
21 enforcement officer or firefighter has reason to believe is
22 experiencing anaphylaxis, regardless of whether the individual has
23 a prescription for epinephrine or has been previously diagnosed
24 with an allergy.

25 (3) An individual shall complete training on the proper
26 administration of auto-injectable epinephrine before administering
27 auto-injectable epinephrine under this act.

28 Sec. 3. (1) An eligible entity that purchases, stores, or
29 provides to a law enforcement officer or firefighter auto-



1 injectable epinephrine for use under section 2 is immune from civil
2 liability for injuries, death, or damages arising out of the
3 administration of that auto-injectable epinephrine to any
4 individual, if the conduct does not amount to gross negligence that
5 is the proximate cause of injury, death, or damage.

6 (2) Any law enforcement officer or firefighter who possesses,
7 administers, or fails to administer auto-injectable epinephrine
8 under section 2 is immune from civil liability for injuries, death,
9 or damages arising out of the administration or failure to
10 administer auto-injectable epinephrine to any individual, if the
11 conduct does not constitute willful or wanton misconduct that is
12 the proximate cause of injury, death, or damage.

13 (3) An eligible entity that purchases, possesses, or
14 distributes auto-injectable epinephrine under section 2 and any law
15 enforcement officer or firefighter who possesses, administers, or
16 fails to administer auto-injectable epinephrine under section 2 is
17 not subject to criminal prosecution for purchasing, possessing, or
18 distributing auto-injectable epinephrine, or administering or
19 failing to administer auto-injectable epinephrine to any individual
20 under this act.

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

24 (5) As used in this section, "gross negligence" means that
25 term as defined in section 7 of 1964 PA 170, MCL 691.1407.

26 Enacting section 1. This act does not take effect unless
27 Senate Bill No. 417 of the 100th Legislature is enacted into law.

