

SENATE BILL NO. 843

March 12, 2020, Introduced by Senator LUCIDO and referred to the Committee on Health Policy and Human Services.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1178 (MCL 380.1178), as amended by 2019 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1178. (1) ~~Subject~~**Both of the following apply:**
2 **(a) Except as otherwise provided in subdivision (b) and**
3 **subject** to subsection (2), a school administrator, teacher, or
4 other school employee designated by the school administrator, who
5 in good faith administers medication to a pupil in the presence of
6 another adult or in an emergency that threatens the life or health

1 of the pupil, pursuant to written permission of the pupil's parent
2 or guardian, and in compliance with the instructions of a
3 physician, physician's assistant, or certified nurse practitioner ~~or~~
4 ~~or a school employee who in good faith administers an epinephrine~~
5 ~~auto-injector to an individual consistent with the policies under~~
6 ~~section 1179a,~~ is not liable in a criminal action or for civil
7 damages as a result of an act or omission in the administration of
8 the medication, ~~or epinephrine auto-injector,~~ except for an act or
9 omission amounting to gross negligence or willful ~~and~~ **or** wanton
10 misconduct.

11 **(b) Subject to subsection (2), a school employee who in good**
12 **faith administers an epinephrine auto injector to an individual**
13 **consistent with the policies under section 1179a is not liable in a**
14 **criminal action or for civil damages as a result of an act or**
15 **omission in the administration of the epinephrine auto-injector,**
16 **except for an act or omission amounting to willful or wanton**
17 **misconduct.**

18 (2) If a school employee is a licensed registered professional
19 nurse, subsection (1) applies to that school employee regardless of
20 whether the medication or epinephrine auto-injector is administered
21 in the presence of another adult.

22 (3) A school district, nonpublic school, member of a school
23 board, or director or officer of a nonpublic school is not liable
24 **in a criminal action or** for damages in a civil action for injury,
25 death, or loss to person or property allegedly arising from a
26 person acting under this section.

27 **(4) This section does not eliminate, limit, or reduce any**
28 **other immunity or defense that a person described under this**
29 **section may have under other state law.**