

# SENATE BILL NO. 418

August 20, 2019, Introduced by Senator MACDONALD and referred to the Committee on Health Policy and Human Services.

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

1 "law enforcement and firefighter access to epinephrine act".

2 (2) As used in this act:

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

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

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

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

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

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

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

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

4           Sec. 3. (1) An eligible entity that purchases, stores, or  
5 provides to a law enforcement officer or firefighter auto-  
6 injectable epinephrine for use under section 2 and any law  
7 enforcement officer or firefighter who possesses or in good faith  
8 administers auto-injectable epinephrine under section 2 is immune  
9 from civil liability for injuries or damages arising out of the  
10 administration of that auto-injectable epinephrine to any  
11 individual if the conduct does not amount to gross negligence that  
12 is the proximate cause of injury or damage.

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

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

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