

Legislative Analysis



DISTRIBUTION OF NALOXONE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5077 as introduced
Sponsor: Rep. Curt S. VanderWall

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5078 as introduced
Sponsor: Rep. Carrie A. Rheingans

Committee: Health Policy
Complete to 10-26-23

SUMMARY:

Taken together, House Bills 5077 and 5078 would amend the Administration of Opioid Antagonists Act and the Public Health Code to allow an *agency* that purchases or otherwise obtains and possesses an *opioid antagonist*, or its *employee or agent* who has been trained in the administration of that opioid antagonist, to directly or indirectly distribute that opioid antagonist to any individual.

Agency means any of the following (but does not include a life support agency or other provider of emergency medical services):

- This state and its agencies, departments, commissions, courts, boards, and statutorily created task forces
- A public university or college of this state.
- A city, village, or township or any combination of them when acting jointly.
- A county, county road commission, school district, public library, port district, metropolitan district, or transportation authority; a combination of these entities acting jointly; a district or authority authorized by law or formed by one or more of these entities; or an agency, department, court, board, or council of any of these entities.

Employee or agent means an individual who is employed by an agency, who is under contract with an agency, who serves on the governing body of an agency, or who volunteers with an agency.

Opioid antagonist means naloxone hydrochloride¹ or an equally safe and effective drug approved by the Food and Drug Administration for the treatment of drug overdose.

A distribution described above would be added to provisions that now provide immunity from civil liability for injury, death, or damages arising from the administration or failure to administer an opioid antagonist, as long as the person's conduct does not amount to willful or

¹ Naloxone hydrochloride is a nonaddictive drug that can safely and rapidly reverse the effects of an opioid overdose. It is commonly known by the brand names Narcan (a nasal spray) and Evzio (a prefilled auto-injection device). Administered to an individual whose breathing has slowed or stopped due to overdosing with heroin or a prescription opioid, naloxone can very quickly restore normal breathing.

wanton misconduct. Similarly, the agency, employee, or agent would be exempt from criminal prosecution for the distribution.

The bills would also allow an agency to obtain an opioid antagonist by means other than purchasing it.

Neither bill can take effect unless both are enacted.

HB 5077: MCL 15.673 and 15.677 and proposed 15.676

HB 5078: MCL 333.17744b

FISCAL IMPACT:

House Bills 5077 and 5078 would have an indeterminate fiscal impact on the state and on local units of government. To the extent provisions of the bills result in fewer cases of civil and criminal liability, costs to the state and to local court systems could be decreased. A reduction in the number of civil actions would result in a decrease in the number of court cases and the associated administrative costs, a reduction in the number of felony charges would result in decreased costs related to the state correctional system, and a reduction in the number of misdemeanor charges would result in decreased costs related to county jails and/or local misdemeanor probation supervision. It is difficult to project the actual fiscal impact to courts due to variables such as judicial discretion and complexity of cases.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.