

# HOUSE BILL NO. 5078

October 03, 2023, Introduced by Reps. Rheingans, Prestin, Arbit, Dievendorf, Hood, Brixie, Andrews, Fitzgerald, Stone, Brabec, Hill, Hope, Coffia, Byrnes, Martus, Haadsma, Conlin, Bollin, Weiss, Morse, MacDonell, VanderWall and Aiyash and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17744b (MCL 333.17744b), as amended by 2019 PA  
36.

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

1           Sec. 17744b. (1) Notwithstanding any provision of this act to  
2 the contrary, a prescriber may issue a prescription for and a  
3 dispensing prescriber or pharmacist may dispense an opioid  
4 antagonist to any of the following:

1 (a) An individual patient at risk of experiencing an opioid-  
2 related overdose.

3 (b) A family member, friend, or other individual in a position  
4 to assist an individual at risk of experiencing an opioid-related  
5 overdose.

6 (c) A person other than an individual that meets all of the  
7 following requirements:

8 (i) Acts at the direction of the prescriber or dispensing  
9 prescriber.

10 (ii) Upon receipt of an opioid antagonist, stores the opioid  
11 antagonist in compliance with this part.

12 (iii) Dispenses or administers an opioid antagonist under a  
13 valid prescription issued to an individual or a patient.

14 (iv) Performs the requirements under this subsection without  
15 charge or compensation.

16 (d) An agency authorized to purchase **or otherwise obtain,**  
17 possess, and distribute an opioid antagonist under the  
18 administration of opioid antagonists act, **2019 PA 39, MCL 15.671 to**  
19 **15.677.**

20 (2) When issuing a prescription for or dispensing an opioid  
21 antagonist as authorized under this section to an agency described  
22 in subsection (1)(d) or a person other than a patient, the  
23 prescriber, dispensing prescriber, or pharmacist, as appropriate,  
24 shall insert the name of the agency or the person as the name of  
25 the patient.

26 (3) Notwithstanding any provision of this act to the contrary,  
27 a person that is acting in good faith and with reasonable care may  
28 possess and dispense an opioid antagonist.

29 (4) Notwithstanding any provision of this act to the contrary,

1 an **agency described in subsection (1)(d) or an** employee or agent of  
2 an agency described in subsection (1)(d) may, subject to ~~section~~  
3 ~~105 of the~~ administration of opioid antagonists act, **2019 PA 39,**  
4 **MCL 15.671 to 15.677,** possess, ~~and administer,~~ **and distribute** an  
5 opioid antagonist dispensed to the agency under this section.

6 (5) A prescriber who issues a prescription for or a dispensing  
7 prescriber or pharmacist who dispenses an opioid antagonist as  
8 authorized under this section is not liable in a civil action for a  
9 properly stored and dispensed opioid antagonist that was a  
10 proximate cause of injury or death to an individual due to the  
11 administration of or failure to administer the opioid antagonist.

12 Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No. \_\_\_\_ or House Bill No. 5077 (request no.  
14 03536'23) of the 102nd Legislature is enacted into law.