

HOUSE BILL NO. 5054

September 24, 2025, Introduced by Reps. DeBoer, Snyder, Pavlov, Weiss, Xiong, Foreman, Tsernoglou, BeGole, Schmaltz, Kuhn, Frisbie, Jenkins-Arno, Meerman, Bierlein, B. Carter, Hoskins, Bohnak, Prestin, St. Germaine and Tisdell and referred to Committee on Education and Workforce.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1178 and 1179 (MCL 380.1178 and 380.1179),
section 1178 as amended by 2020 PA 320 and section 1179 as amended
by 2018 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1178. (1) 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

1 another adult or in an emergency that threatens the life or health
2 of the pupil, pursuant to written permission ~~of~~**from** the pupil's
3 parent or guardian, and in compliance with the instructions of a
4 physician, physician's assistant, or certified nurse practitioner
5 is not liable in a criminal action or for civil damages as a result
6 of an act or omission in the administration of the medication,
7 except for an act or omission amounting to gross negligence or
8 willful or wanton misconduct.

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

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

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

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

28 (5) **As used in this section, "epinephrine delivery system"**
29 **means that term as defined in section 17744a of the public health**

1 **code, 1978 PA 368, MCL 333.17744a.**

2 Sec. 1179. (1) If the conditions prescribed in subsection (2)
3 are met, notwithstanding any school or school district policy to
4 the contrary, a pupil of a public school or nonpublic school may
5 possess and use 1 or more of the following at school, on school-
6 sponsored transportation, or at any activity, event, or program
7 sponsored by or in which the pupil's school is participating:

8 (a) A metered dose inhaler or a dry powder inhaler to
9 alleviate asthmatic symptoms or for use before exercise to prevent
10 the onset of asthmatic symptoms.

11 (b) An epinephrine ~~auto-injector or epinephrine inhaler~~
12 **delivery system** to treat anaphylaxis.

13 (2) Subsection (1) applies to a pupil if all of the following
14 conditions are met:

15 (a) The pupil has written approval to possess and use the
16 inhaler or epinephrine ~~auto-injector~~ **delivery system** as described
17 in subsection (1) from the pupil's physician or other health care
18 provider authorized by law to prescribe an inhaler or epinephrine
19 ~~auto-injector~~ **delivery system** and, if the pupil is a minor, from
20 the pupil's parent or legal guardian.

21 (b) The principal or other chief administrator of the pupil's
22 school has received a copy of each written approval required under
23 subdivision (a) for the pupil.

24 (c) There is on file at the pupil's school a written emergency
25 care plan that contains specific instructions for the pupil's
26 needs, that is prepared by a physician licensed in this state in
27 collaboration with the pupil and the pupil's parent or legal
28 guardian, and that is updated as necessary for changing
29 circumstances.

1 (3) Notwithstanding any school or school district policy to
2 the contrary, a pupil of a public school or nonpublic school may
3 possess and use a United States Food and Drug Administration
4 approved, over-the-counter topical substance at school, on school-
5 sponsored transportation, or at any activity, event, or program
6 sponsored by or in which the pupil's school is participating if all
7 of the following conditions are met:

8 (a) If the pupil is a minor, the pupil has written approval to
9 possess and use the United States Food and Drug Administration
10 approved, over-the-counter topical substance from the pupil's
11 parent or legal guardian.

12 (b) The principal or other chief administrator of the pupil's
13 school has received a copy of the written approval required under
14 subdivision (a), if any, for the pupil.

15 (4) A school district, nonpublic school, member of a school
16 board, director or officer of a nonpublic school, or employee of a
17 school district or nonpublic school is not liable for damages in a
18 civil action for injury, death, or loss to person or property
19 allegedly arising from a pupil being prohibited by an employee of
20 the school or school district from using a United States Food and
21 Drug Administration approved, over-the-counter topical substance,
22 an inhaler, or an epinephrine ~~auto-injector~~ **delivery system** because
23 of the employee's reasonable belief formed after a reasonable and
24 ordinary inquiry that the conditions prescribed in subsection (2)
25 or (3), as applicable, had not been satisfied. A school district,
26 nonpublic school, member of a school board, director or officer of
27 a nonpublic school, or employee of a school district or nonpublic
28 school is not liable for damages in a civil action for injury,
29 death, or loss to person or property allegedly arising from a pupil

1 being permitted by an employee of the school or school district to
2 use or possess a United States Food and Drug Administration
3 approved, over-the-counter topical substance, an inhaler, or an
4 epinephrine ~~auto-injector~~ **delivery system** because of the employee's
5 reasonable belief formed after a reasonable and ordinary inquiry
6 that the conditions prescribed in subsection (2) or (3), as
7 applicable, had been satisfied. This subsection does not eliminate,
8 limit, or reduce any other immunity or defense that a school
9 district, nonpublic school, member of a school board, director or
10 officer of a nonpublic school, or employee of a school district or
11 nonpublic school may have under section 1178 or other state law.

12 (5) As part of its general powers, a school district may
13 request a pupil's parent or legal guardian to provide an extra
14 inhaler or epinephrine ~~auto-injector~~ **delivery system** to designated
15 school personnel for use in case of emergency. A parent or legal
16 guardian is not required to provide an extra inhaler or epinephrine
17 ~~auto-injector~~ **delivery system** to school personnel.

18 (6) A principal or other chief administrator who is aware that
19 a pupil is in possession of a United States Food and Drug
20 Administration approved, over-the-counter topical substance, an
21 inhaler, or an epinephrine ~~auto-injector pursuant to~~ **delivery**
22 **system under** this section shall notify each of the pupil's
23 classroom teachers of that fact and of the provisions of this
24 section.

25 (7) As used in this section and in section 1179a:

26 (a) **"Epinephrine delivery system" means that term as defined**
27 **in section 17744a of the public health code, 1978 PA 368, MCL**
28 **333.17744a.**

29 (b) ~~(a)~~ "School board" includes a school board, intermediate

1 school board, or the board of directors of a public school academy.

2 (c) ~~(b)~~ "School district" includes a school district,
3 intermediate school district, or public school academy.

4 (d) ~~(e)~~ "United States Food and Drug Administration approved,
5 over-the-counter topical substance" includes, but is not limited
6 to, sunscreen, antimicrobial or antifungal products, external
7 analgesics including lidocaine, psoriasis or eczema topical
8 treatments, or any other topical product with a therapeutic effect.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 103rd Legislature are
11 enacted into law:

12 (a) House Bill No. 5049 (request no. H02193'25).

13 (b) House Bill No. 5050 (request no. H02479'25).

14 (c) House Bill No. 5051 (request no. H02911'25).

15 (d) House Bill No. 5052 (request no. H03174'25).

16 (e) House Bill No. 5053 (request no. H03176'25).