

CARRYING AND ADMINISTERING OPIOID ANTAGONISTS

Act 462 of 2014

AN ACT to allow peace officers to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by law enforcement agencies and peace officers; and to limit the civil and criminal liability of law enforcement agencies and peace officers for the possession, distribution, and use of opioid antagonists under certain circumstances.

History: 2014, Act 462, Imd. Eff. Jan. 12, 2015.

The People of the State of Michigan enact:

28.541 Definitions.

Sec. 1. As used in this act:

- (a) "Law enforcement agency" means an entity of this state or of a local unit of government of this state that employs peace officers.
- (b) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.
- (c) "Opioid-related overdose" means a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a reasonable person would believe to be an opioid-related overdose that requires medical assistance.
- (d) "Peace officer" means 1 or more of the following:
 - (i) A regularly employed member of a law enforcement agency authorized and established under law, including common law, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Peace officer does not include a person serving solely because he or she occupies any other office or position.
 - (ii) A law enforcement officer of a Michigan Indian tribal police force.
 - (iii) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382.
 - (iv) A law enforcement officer of a multicounty metropolitan district.
 - (v) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.

History: 2014, Act 462, Imd. Eff. Jan. 12, 2015.

28.542 Purchase, possession, and distribution of opioid antagonist.

Sec. 2. A law enforcement agency may purchase and possess any opioid antagonist for purposes of this act and distribute that opioid antagonist to peace officers in its employ who have been trained in the administration of that opioid antagonist for purposes of this act.

History: 2014, Act 462, Imd. Eff. Jan. 12, 2015.

28.543 Administering opioid antagonist; conditions.

Sec. 3. A peace officer may possess any opioid antagonist distributed to that peace officer under section 2 and may administer that opioid antagonist to an individual if both of the following apply:

- (a) The peace officer has been trained in the proper administration of that opioid antagonist.
- (b) The peace officer has reason to believe that the individual is experiencing an opioid-related overdose.

History: 2014, Act 462, Imd. Eff. Jan. 12, 2015.

28.544 Immunity from civil liability or criminal prosecution.

Sec. 4. (1) A law enforcement agency that purchases, possesses, or distributes any opioid antagonist under section 2, and any peace officer that possesses or in good faith administers an opioid antagonist under section 3, is immune from civil liability for injuries or damages arising out of the administration of that opioid antagonist to any individual under this act if the conduct does not amount to gross negligence that is the proximate cause of the injury or damage. As used in this subsection, "gross negligence" means that term as defined in section 7 of 1964 PA 170, MCL 691.1407.

(2) A law enforcement agency that purchases, possesses, or distributes any opioid antagonist under section 2, and any peace officer that possesses or in good faith administers an opioid antagonist under section 3, is not

subject to criminal prosecution for purchasing, possessing, distributing, or administering any opioid antagonist to any individual under this act.

History: 2014, Act 462, Imd. Eff. Jan. 12, 2015.

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