

ADMINISTRATION OF OPIOID ANTAGONISTS ACT

Act 39 of 2019

AN ACT to allow certain employees or agents to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by certain agencies and employees or agents; to limit the civil and criminal liability of certain agencies and employees or agents for the possession, distribution, and use of opioid antagonists under certain circumstances; and to repeal acts and parts of acts.

History: 2019, Act 39, Eff. Sept. 24, 2019.

The People of the State of Michigan enact:

15.671 Short title; definitions.

Sec. 101. (1) This act shall be known and may be cited as the "administration of opioid antagonists act".

(2) As used in this act:

(a) "Agency" means a governmental agency.

(b) "Employee or agent" means any of the following:

(i) An individual who is employed by, or under contract with, an agency.

(ii) An individual who serves on the governing body of an agency.

(iii) An individual who volunteers with an agency.

(c) "Governmental agency" means this state or a political subdivision but does not include a person licensed under part 209 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979.

(d) "Municipal corporation" means a city, village, or township or a combination of 2 or more of these when acting jointly.

(e) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the United States Food and Drug Administration for the treatment of drug overdose.

(f) "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.

(g) "Political subdivision" means a municipal corporation, county, county road commission, school district, community college district, public library, port district, metropolitan district, or transportation authority or a combination of 2 or more of these when acting jointly; a district or authority authorized by law or formed by 1 or more political subdivisions; or an agency, department, court, board, or council of a political subdivision.

(h) "State" means this state and its agencies, departments, commissions, courts, boards, councils, and statutorily created task forces. State includes a public university or college of this state, whether established as a constitutional corporation or otherwise.

History: 2019, Act 39, Eff. Sept. 24, 2019..

15.673 Purchase, possession, and distribution of opioid antagonist.

Sec. 103. An agency may purchase and possess an opioid antagonist for purposes of this act and distribute that opioid antagonist to an employee or agent who has been trained in the administration of that opioid antagonist for purposes of this act.

History: 2019, Act 39, Eff. Sept. 24, 2019.

15.675 Administering opioid antagonist; conditions.

Sec. 105. An employee or agent may possess an opioid antagonist distributed to that employee or agent under section 103 and may administer that opioid antagonist to an individual if both of the following apply:

(a) The employee or agent has been trained in the proper administration of that opioid antagonist.

(b) The employee or agent has reason to believe that the individual is experiencing an opioid-related overdose.

History: 2019, Act 39, Eff. Sept. 24, 2019.

15.677 Immunity from civil liability or criminal prosecution.

Sec. 107. (1) An agency that purchases, possesses, or distributes an opioid antagonist under section 103 is immune from civil liability for injury, death, or damages arising out of the administration of that opioid antagonist to an individual under this act, if the conduct does not amount to gross negligence that is the proximate cause of the injury, death, or damages. As used in this subsection, "gross negligence" means that term as defined in section 7 of 1964 PA 170, MCL 691.1407.

(2) An employee or agent that possesses, administers, or fails to administer an opioid antagonist under section 105 is immune from civil liability for injury, death, or damages arising out of the administration or failure to administer that opioid antagonist to an individual under this act, if the conduct does not amount to willful or wanton misconduct that is the proximate cause of the injury, death, or damages.

(3) An agency that purchases, possesses, or distributes an opioid antagonist under section 103, and an employee or agent that possesses, administers, or fails to administer an opioid antagonist under section 105, is not subject to criminal prosecution for purchasing, possessing, or distributing an opioid antagonist under this act or for administering or failing to administer an opioid antagonist to an individual under this act.

(4) This section does not eliminate, limit, or reduce any other immunity or defense that may be available under the laws of this state.

History: 2019, Act 39, Eff. Sept. 24, 2019;—Am. 2020, Act 321, Imd. Eff. Dec. 29, 2020.

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