



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 283 (as introduced 4-24-19)
Sponsor: Senator Peter J. Lucido
Committee: Health Policy and Human Services

Date Completed: 4-25-19

CONTENT

The bill would amend the Revised School Code to delete language that exempts a school employee from criminal action or civil damages as a result of an act or omission in the administration of an opioid antagonist under certain circumstances.

The bill is tie-barred to House Bill 4367 and Senate Bill 200, and would take effect 90 days after its enactment. (House Bill 4367 would create the "Administration of Opioid Antagonists Act" to allow, among other things, an agency employee or agent to administer an opioid antagonist to an individual under certain circumstances. Senate Bill 200 would allow a prescriber to issue a prescription for, and allow a dispensing prescriber or pharmacist to dispense an opioid antagonist to an agency authorized under the proposed Administration of Opioid Antagonists Act.)

Under the Code, a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner, or a school employee who in good faith administers an epinephrine auto-injector to an individual consistent with the policies under Section 1179a, or in good faith administers an opioid antagonist to an individual consistent with the policies under section 1179b, is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication, epinephrine auto-injector, or opioid antagonist except for an act or omission amounting to gross negligence or willful and wanton misconduct.

Also, the above provision applies to a school employee regardless of whether the medication, auto-injector, or opioid antagonist is administered in the presence of another adult, if the employee is a licensed registered professional nurse.

The bill would delete the provisions pertaining to the administration of an opioid antagonist.

The bill would delete the definitions of "opioid antagonist" and "opioid-related overdose".

The bill also would repeal Section 1179b of the Revised School Code, which allows a school board to require, in each school it operates, that there are at least two employees who have been trained in the appropriate use and administration of an opioid antagonist.

MCL 380.5 & 380.1178

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.