

# HOUSE BILL NO. 5166

June 29, 2021, Introduced by Rep. Whiteford and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17744e (MCL 333.17744e), as added by 2016 PA  
383.

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

1           Sec. 17744e. (1) Notwithstanding any provision of this act to  
2 the contrary, the chief medical executive in the office of chief  
3 medical executive created within the department of health and human  
4 services may issue a standing order that does not identify

1 particular patients at the time it is issued for **any of** the ~~purpose~~  
2 ~~of a following purposes:~~

3 (a) A pharmacist dispensing opioid antagonists to individuals  
4 under this section.

5 (b) A **community-based organization or a staff member of the**  
6 **community-based organization distributing opioid antagonists to**  
7 **individuals under this section.**

8 (2) Notwithstanding any provision of this act to the contrary,  
9 a pharmacist may dispense **or a community-based organization or a**  
10 **staff member of the community-based organization may distribute** an  
11 opioid antagonist to any individual pursuant to a standing order  
12 issued by the chief medical executive under subsection (1) and the  
13 rules promulgated under this section.

14 (3) The ~~chief following~~ **are not liable in a civil action for**  
15 **damages resulting from the dispensing of an opioid antagonist or**  
16 **the administration of or failure to administer the opioid**  
17 **antagonist:**

18 (a) **The chief** medical executive who issues a standing order  
19 for ~~an the~~ opioid antagonist under this section. ~~or a~~

20 (b) A pharmacist who dispenses ~~an the~~ opioid antagonist as  
21 authorized under this section. ~~is not liable in a civil action for~~  
22 ~~damages resulting from the dispensing of the opioid antagonist or~~  
23 ~~the administration of or failure to administer the opioid~~  
24 ~~antagonist.~~

25 (c) **A community-based organization that, or a staff member of**  
26 **the community-based organization who, distributes the opioid**  
27 **antagonist as authorized under this section.**

28 (4) The department, in consultation with the department of  
29 health and human services and local health departments, ~~shall may~~

1 promulgate rules regarding dispensing, training, **distribution**, and  
2 referral to implement this section.

3       (5) As used in this section, "community-based organization"  
4 means a public or private organization that provides health or  
5 human services to meet the needs of a community, including, but not  
6 limited to, a nonprofit organization, a social service provider, or  
7 an organization providing substance use disorder prevention,  
8 treatment, recovery, or harm reduction services. A community-based  
9 organization does not include an agency as that term is defined in  
10 section 101 of the administration of opioid antagonists act, 2019  
11 PA 39, MCL 15.671.