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

- particular patients at the time it is issued for any of the purpose
 following purposes:
- (a) A pharmacist dispensing opioid antagonists to individualsunder this section.
 - (b) A community-based organization or a staff member of the community-based organization distributing opioid antagonists to individuals under this section.

- (2) Notwithstanding any provision of this act to the contrary, a pharmacist may dispense or a community-based organization or a staff member of the community-based organization may distribute an opioid antagonist to any individual pursuant to a standing order issued by the chief medical executive under subsection (1) and the rules promulgated under this section.
- (3) The chief-following are not liable in a civil action for damages resulting from the dispensing of an opioid antagonist or the administration of or failure to administer the opioid antagonist:
- 18 (a) The chief medical executive who issues a standing order
 19 for an the opioid antagonist under this section. or a
 - (b) A pharmacist who dispenses an the opioid antagonist as authorized under this section. is not liable in a civil action for damages resulting from the dispensing of the opioid antagonist or the administration of or failure to administer the opioid antagonist.
 - (c) A community-based organization that, or a staff member of the community-based organization who, distributes the opioid 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

- 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.