

Legislative Analysis



ALLOW AND REGULATE USE OF OPIOID ANTAGONISTS

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House Bill 5404

Sponsor: Rep. Hugh Crawford

House Bills 5405-5407

Sponsor: Rep. Anthony G. Forlini

Committee: Judiciary

Complete to 5-7-14

A SUMMARY OF HOUSE BILLS 5404- 5407 AS INTRODUCED 3-11-14

The bills would mandate that certain emergency medical response vehicles carry opioid antagonists and have personnel trained in their use, modify who is allowed to possess opioid antagonists, and provide immunity from civil liability.

The bills define "opioid antagonist" as "a drug that binds to opioid receptors and blocks or disinhibits the effects of opioids acting on those receptors. Opioid antagonist includes naloxone hydrochloride."

The bills also define "opioid-related overdose" as "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 layperson would reasonably believe to be an opioid-related overdose that requires medical assistance."

House Bill 5404 would amend the Public Health Code by mandating that a medical control authority create and implement protocols to ensure that each life support vehicle that is dispatched and responding to provide medical first response life support, basic life support, or limited advanced life support is equipped with opioid antagonists, and that all emergency services personnel are properly trained to administer opioid antagonists. The bill also states that liability would not be imposed upon certain medical personnel for administering an opioid antagonist except for an act or omission that was the result of "gross negligence or willful misconduct." (Under the code, the Department of Community health designates a medical control authority as the medical control for emergency medical services for a particular geographic region.)

House Bill 5405 would amend the Public Health Code by making a person who acts in good faith and with reasonable care while administering an opioid antagonist to an individual believed to be suffering an opioid-related overdose immune from criminal prosecution or sanction under any professional licensing act. It would also exempt from liability individuals that comply with **HB 5407**.

House Bill 5406 would amend PA 17 of 1963, which relieves certain persons from civil liability while rendering emergency care in certain situations, by making an individual who has a "good faith" belief that another individual is suffering the immediate effects of an opioid-related overdose and administers an opioid antagonist to that individual, not liable in a civil action for damages resulting from the administration of the opioid antagonist. The exemption does not apply if the conduct of the individual administering the opioid antagonist "is willful or wanton misconduct."

House Bill 5407 would amend the Public Health Code by adding the definitions of opioid antagonist and opioid-related overdose (as stated above), by requiring the Department of Community Health to annually publish by February 1, a report containing certain information on opioid-related overdoses, and by creating regulations regarding who can be prescribed, or can possess, an opioid antagonist. The bill would also exempt from civil liability an individual who properly stored and dispensed an opioid antagonist that was a proximate cause of injury or death to an individual due to the administration of or failure to administer the opioid antagonist.

The bills in the package, except for House Bill 5406, are tie-barred to each other, meaning no bill can take effect unless all are enacted. However, the bills are tie-barred to Senate Bill 721, which has the same content as House Bill 5406.

(Note: According to the National Institute on Drug Abuse, *Opioids are medications that relieve pain. They reduce the intensity of pain signals reaching the brain and affect those brain areas controlling emotion, which diminishes the effects of a painful stimulus. Medications that fall within this class include hydrocodone (e.g., Vicodin), oxycodone (e.g., OxyContin, Percocet), morphine (e.g., Kadian, Avinza), codeine, and related drugs. Heroin is an opioid.*

FISCAL IMPACT:

House Bill 5404 as introduced has no direct state fiscal implications for the Department of Community Health. The bill may have a fiscal impact on local units of government that provide or contract for emergency medical services, related to the bill's requirements to equip each life support vehicle with opioid antagonists, and to train personnel to administer opioid antagonists.

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