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BILL ANALYSIS



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Senate Bills 828 and 829 (as introduced 2-15-18)
Sponsor: Senator Rick Jones (S.B. 828)
Senator Margaret E. O'Brien (S.B. 829)
Committee: Health Policy

Date Completed: 4-24-18

CONTENT

Senate Bill 828 would create the "Administration of Opioid Antagonists by Library Employees Act" to do the following:

- Allow a public library to purchase and possess an opioid antagonist, and distribute it to a library employee or agent.
- Permit a library employee or agent to administer an opioid antagonist to an individual, if the employee or agent had been trained in the administration of an opioid antagonist and believed the individual was experiencing an opioid-related overdose.
- Exempt from civil liability a public library that purchased, possessed, or distributed an opioid antagonist, and a library employee or agent who possessed or in good faith administered an opioid antagonist, if the conduct did not amount to gross negligence.
- Exempt from criminal prosecution a public library that purchased, possessed, or distributed an opioid antagonist, and a library employee or agent who possessed or in good faith administered an opioid antagonist.

Senate Bill 829 would amend the Public Health Code to allow a prescriber to issue a prescription for, and allow a dispensing prescriber or pharmacist to dispense an opioid antagonist to a public library employee for the purposes of the proposed Administration of Opioid Antagonists by Library Employees Act.

Each bill would take effect 90 days after enactment. The bills are tie-barred.

Senate Bill 828

The proposed Act would allow a public library to purchase and possess an opioid antagonist and distribute it to a library employee or agent who had been trained in the administration of that opioid antagonist.

"Public library" would mean a library that is lawfully established for free public purposes by one or more counties, cities, townships, villages, school districts, or other local governments, or a combination of those entities, or by a public or local act, of which the entire interests belong to the general public. The term would not include a special library such as a professional, technical, or school library.

"Library employee or agent" would mean any of the following:

- An individual who is employed by a public library.
- An individual who works in a public library under a contract with the library.
- An appointed or elected official who serves on the governing board of a public library.
- An individual who volunteers with a public library.

"Opioid antagonist" would mean naloxone hydrochloride or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

A library employee or agent would be allowed to possess an opioid antagonist distributed to him or her, and to administer that opioid antagonist to an individual if both of the following applied:

- The employee or agent had been trained in the proper administration of that opioid antagonist.
- The employee or agent had reason to believe that the individual was experiencing an opioid-related overdose.

"Opioid-related overdose" would mean a condition, including 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.

A public library that purchased, possessed, or distributed an opioid antagonist, and a library employee or agent who possessed or in good faith administered an opioid antagonist, would be immune from civil liability for injuries or damages arising out of the administration of that opioid antagonist to an individual if the conduct did not amount to gross negligence that was the proximate cause of the injury or damage, and would not be subject to criminal prosecution for purchasing, possessing, or distributing an opioid antagonist to an individual.

"Gross negligence" would mean that term as defined in the governmental immunity law (conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results).

Senate Bill 829

The Code permits a prescriber to issue a prescription for and a dispensing prescriber or pharmacist to dispense an opioid antagonist to various individuals and entities, including the following:

- An individual patient at risk of experiencing an opioid-related overdose.
- A family member, friend, or other individual at risk of experiencing an opioid-related overdose.
- A school board for purposes of Section 1179b of the Revised School Code.

(Section 1179b permits 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. If the school board does so, it must develop and implement a policy relating to the possession and administration of an opioid antagonist.)

The bill would include among the people to whom an opioid antagonist may be prescribed a public library for purposes of the proposed Administration of Opioid Antagonists by Library Employees Act.

The Public Health Code also requires that, when issuing a prescription for or dispensing an opioid antagonist to a school board or a person other than a patient, the prescriber, dispensing prescriber, or pharmacist, as appropriate, insert the name of the school board or the person as the name of the patient. Under the bill, the prescriber, dispensing prescriber, or pharmacist would have to insert the name of the school board or person or the name of the public library.

In addition, the bill specifies that a public library employee or agent who was trained in the administration of an opioid antagonist under the proposed Act could possess and administer an opioid antagonist dispensed to a public library.

MCL 333.17744b (S.B. 829)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

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

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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.