

# HOUSE BILL No. 5822

April 17, 2018, Introduced by Reps. Hammoud, Gay-Dagnogo, Marino, Hertel, Lasinski, Ellison, LaGrand, Neeley, Garrett, Noble, Clemente, Rabhi, Calley, Brinks, Wittenberg and Camilleri and referred to the Committee on Health Policy.

A bill to amend 2014 PA 462, entitled

"An act to allow peace officers to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by law enforcement agencies and peace officers; and to limit the civil and criminal liability of law enforcement agencies and peace officers for the possession, distribution, and use of opioid antagonists under certain circumstances,"

by amending the title and sections 1, 2, 3, and 4 (MCL 28.541, 28.542, 28.543, and 28.544).

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

TITLE

An act to allow **STATE POLICE OFFICERS AND** peace officers to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by **THE DEPARTMENT**, law enforcement agencies, **STATE POLICE OFFICERS**, and peace officers; and to limit the civil and criminal liability of **THE DEPARTMENT**, law enforcement agencies, **STATE POLICE OFFICERS**, and peace officers

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1 for the possession, distribution, and use of opioid antagonists  
2 under certain circumstances.

3 Sec. 1. As used in this act:

4 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

5 (B) ~~(a)~~—"Law enforcement agency" means an entity of this state  
6 **OTHER THAN THE DEPARTMENT** or of a local unit of government of this  
7 state that employs peace officers.

8 (C) ~~(b)~~—"Opioid antagonist" means naloxone hydrochloride or  
9 any other similarly acting and equally safe drug approved by the  
10 federal ~~food and drug administration~~ **FOOD AND DRUG ADMINISTRATION**  
11 for the treatment of drug overdose.

12 (D) ~~(c)~~—"Opioid-related overdose" means a condition,  
13 including, but not limited to, extreme physical illness, decreased  
14 level of consciousness, respiratory depression, coma, or death,  
15 that results from the consumption or use of an opioid or another  
16 substance with which an opioid was combined or that a reasonable  
17 person would believe to be an opioid-related overdose that requires  
18 medical assistance.

19 (E) ~~(d)~~—"Peace officer" means 1 or more of the following:

20 (i) A regularly employed member of a law enforcement agency  
21 authorized and established under law, including common law, who is  
22 responsible for the prevention and detection of crime and the  
23 enforcement of the general criminal laws of this state. Peace  
24 officer does not include a **STATE POLICE OFFICER OR A** person serving  
25 solely because he or she occupies any other office or position.

26 (ii) A law enforcement officer of a Michigan Indian tribal  
27 police force.

1           (iii) The sergeant at arms or any assistant sergeant at arms  
2 of either house of the legislature who is commissioned as a police  
3 officer by that respective house of the legislature as provided by  
4 the legislative sergeant at arms police powers act, 2001 PA 185,  
5 MCL 4.381 to 4.382.

6           (iv) A law enforcement officer of a multicounty metropolitan  
7 district.

8           (v) A police officer or public safety officer of a community  
9 college, college, or university who is authorized by the governing  
10 board of that community college, college, or university to enforce  
11 state law and the rules and ordinances of that community college,  
12 college, or university.

13           **(F) "STATE POLICE OFFICER" MEANS AN OFFICER APPOINTED AND**  
14 **EMPLOYED BY THE DEPARTMENT UNDER SECTION 4(1) OF 1935 PA 59, MCL**  
15 **28.4.**

16           Sec. 2. **(1)** A law enforcement agency may purchase and possess  
17 any opioid antagonist for purposes of this act and distribute that  
18 opioid antagonist to peace officers in its employ who have been  
19 trained in the administration of that opioid antagonist for  
20 purposes of this act.

21           **(2) THE DEPARTMENT MAY PURCHASE AND POSSESS ANY OPIOID**  
22 **ANTAGONIST FOR PURPOSES OF THIS ACT AND SHALL DISTRIBUTE THAT**  
23 **OPIOID ANTAGONIST TO STATE POLICE OFFICERS WHO HAVE BEEN TRAINED IN**  
24 **THE ADMINISTRATION OF THAT OPIOID ANTAGONIST FOR PURPOSES OF THIS**  
25 **ACT.**

26           Sec. 3. **(1)** A peace officer may possess any opioid antagonist  
27 distributed to that peace officer under section 2 and may

1 administer that opioid antagonist to an individual if both of the  
2 following apply:

3 (a) The peace officer has been trained in the proper  
4 administration of that opioid antagonist.

5 (b) The peace officer has reason to believe that the  
6 individual is experiencing an opioid-related overdose.

7 **(2) A STATE POLICE OFFICER MAY POSSESS ANY OPIOID ANTAGONIST**  
8 **DISTRIBUTED TO THAT STATE POLICE OFFICER UNDER SECTION 2 AND MAY**  
9 **ADMINISTER THAT OPIOID ANTAGONIST TO AN INDIVIDUAL IF BOTH OF THE**  
10 **FOLLOWING APPLY:**

11 **(A) THE STATE POLICE OFFICER HAS BEEN TRAINED IN THE PROPER**  
12 **ADMINISTRATION OF THAT OPIOID ANTAGONIST.**

13 **(B) THE STATE POLICE OFFICER HAS REASON TO BELIEVE THAT THE**  
14 **INDIVIDUAL IS EXPERIENCING AN OPIOID-RELATED OVERDOSE.**

15 Sec. 4. (1) ~~A—THE DEPARTMENT AND ANY~~ law enforcement agency  
16 that purchases, possesses, or distributes any opioid antagonist  
17 under section 2, and any **STATE POLICE OFFICER OR** peace officer that  
18 possesses or in good faith administers an opioid antagonist under  
19 section 3, is immune from civil liability for injuries or damages  
20 arising out of the administration of that opioid antagonist to any  
21 individual under this act if the conduct does not amount to gross  
22 negligence that is the proximate cause of the injury or damage. As  
23 used in this subsection, "gross negligence" means that term as  
24 defined in section 7 of 1964 PA 170, MCL 691.1407.

25 **(2) A—THE DEPARTMENT AND ANY** law enforcement agency that  
26 purchases, possesses, or distributes any opioid antagonist under  
27 section 2, and any **STATE POLICE OFFICER OR** peace officer that

1 possesses or in good faith administers an opioid antagonist under  
2 section 3, is not subject to criminal prosecution for purchasing,  
3 possessing, distributing, or administering any opioid antagonist to  
4 any individual under this act.

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.