

HOUSE BILL NO. 4346

March 13, 2019, Introduced by Reps. Jones, Haadsma, Byrd, Vaupel, Tyrone Carter, Berman, Sneller, Hertel, Calley, Peterson, Brann, Mueller, Chirkun, Cherry, Hoadley, Rabhi and Coleman 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 2, 3, and 4 (MCL 28.542, 28.543, and 28.544).



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to allow peace officers to carry and administer opioid
3 antagonists in certain circumstances; **to require peace officers to**
4 **receive certain training regarding drug overdose treatment;** to
5 provide access to opioid antagonists by law enforcement agencies
6 and peace officers; and to limit the civil and criminal liability
7 of law enforcement agencies and peace officers for **drug overdose**
8 **treatment and** the possession, distribution, and use of opioid
9 antagonists under certain circumstances.

10 Sec. 2. (1) A law enforcement agency may purchase and possess
11 any opioid antagonist for purposes of this act and distribute that
12 opioid antagonist to peace officers in its employ who have been
13 trained in the administration of that opioid antagonist for
14 purposes of this act.

15 (2) A law enforcement agency shall require each peace officer
16 in its employ to receive training in a program that meets the
17 requirements set forth in section 20912 of the public health code,
18 1978 PA 368, MCL 333.20912, for training paramedics and medical
19 first responders in treating drug overdose patients.

20 Sec. 3. A peace officer may possess any opioid antagonist
21 distributed to that peace officer under section 2 and may
22 administer that opioid antagonist to an individual if both of the
23 following apply:

24 (a) The peace officer has been trained in the proper
25 administration of that opioid antagonist **in a program that meets**
26 **the requirements set forth in section 20912 of the public health**
27 **code, 1978 PA 368, MCL 333.20912, for training paramedics and**
28 **medical first responders in treating drug overdose patients.**



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

3 Sec. 4. (1) A law enforcement agency that purchases,
4 possesses, or distributes any opioid antagonist under section 2,
5 and any peace officer that **renders treatment for drug overdose in**
6 **accordance with training required under section 2 or that** possesses
7 or in good faith administers an opioid antagonist under section 3,
8 is immune from civil liability for injuries or damages arising out
9 of **that treatment or** the administration of that opioid antagonist
10 to any individual under this act if the conduct does not amount to
11 gross negligence that is the proximate cause of the injury or
12 damage. As used in this subsection, "gross negligence" means that
13 term as defined in section 7 of 1964 PA 170, MCL 691.1407.

14 (2) A law enforcement agency that purchases, possesses, or
15 distributes any opioid antagonist under section 2, and any peace
16 officer that possesses or in good faith administers an opioid
17 antagonist under section 3, is not subject to criminal prosecution
18 for purchasing, possessing, **or distributing an opioid antagonist**
19 **under this act,** or **for** administering any opioid antagonist to any
20 individual under this act.

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

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. ____ or House Bill No. 4345 (request no.
25 01956'19) of the 100th Legislature is enacted into law.

