

HOUSE BILL NO. 5050

September 24, 2025, Introduced by Reps. Snyder, DeBoer, Pavlov, Weiss, Xiong, Foreman, Tsernoglou, BeGole, Schmaltz, Kuhn, Frisbie, Jenkins-Arno, Meerman, Bierlein, B. Carter, Hoskins, Bohnak, Prestin, St. Germaine and Tisdell and referred to Committee on Education and Workforce.

A bill to amend 1978 PA 368, entitled
"Public health code,"

by amending sections 17744a and 17744d (MCL 333.17744a and
333.17744d), as amended by 2020 PA 311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17744a. (1) Notwithstanding any provision of this act to
2 the contrary, a prescriber may issue a prescription for and a
3 dispensing prescriber or pharmacist may dispense ~~auto-injectable-an~~
4 epinephrine **delivery system** to an authorized entity. When issuing a
5 prescription for or dispensing ~~auto-injectable-an~~ epinephrine
6 **delivery system** to an authorized entity as authorized under this

1 section, the prescriber, dispensing prescriber, or pharmacist, as
 2 appropriate, shall insert the name of the authorized entity as the
 3 name of the patient.

4 (2) A school employee who is a licensed registered
 5 professional nurse or who is trained in the administration of an
 6 epinephrine ~~auto-injector~~ **delivery system** under section 1179a of
 7 the revised school code, 1976 PA 451, MCL 380.1179a, may possess
 8 and administer an epinephrine ~~auto-injector~~ **delivery system**
 9 dispensed to a ~~school board under this section~~ **an authorized entity**
 10 **as defined in subsection (6) (a) (i) .**

11 (3) An authorized entity as defined in subsection ~~(6) (b)~~
 12 **(6) (a) (ii)** may acquire and stock a supply of ~~auto-injectable~~ **an**
 13 epinephrine **delivery system** under a prescription as authorized in
 14 this section. An authorized entity as defined in subsection ~~(6) (b)~~
 15 **(6) (a) (ii)** that acquires and stocks a supply of ~~auto-injectable~~ **an**
 16 epinephrine **delivery system** is subject to section 17744d.

17 (4) A law enforcement officer or firefighter of an authorized
 18 entity as defined in subsection ~~(6) (c)~~ **(6) (a) (iii)** may, subject to
 19 section 2 of the law enforcement and firefighter access to
 20 epinephrine act, **2020 PA 312, MCL 28.822**, possess and administer
 21 ~~auto-injectable~~ **an** epinephrine **delivery system** dispensed to the
 22 entity under this section.

23 (5) A prescriber who issues a prescription for or a dispensing
 24 prescriber or pharmacist who dispenses ~~auto-injectable~~ **an**
 25 epinephrine **delivery system** to an authorized entity as authorized
 26 under this section is not liable in a civil action for a properly
 27 stored and dispensed epinephrine ~~auto-injector~~ **delivery system** that
 28 was a proximate cause of injury or death to an individual due to
 29 the administration of or failure to administer the epinephrine

1 ~~auto-injector.~~**delivery system.**

2 (6) As used in this section: ~~—"authorized~~

3 (a) **"Authorized** entity" means any of the following:

4 (i) ~~(a)~~—A school board for the purpose of meeting the
5 requirements of section 1179a of the revised school code, 1976 PA
6 451, MCL 380.1179a.

7 (ii) ~~(b)~~—A person or governmental entity that operates or
8 conducts a business or activity at which allergens capable of
9 causing anaphylaxis may be present, including, but not limited to,
10 a recreation camp, youth sports league, amusement park, nonpublic
11 school, religious institution, or sports arena.

12 (iii) ~~(c)~~—An eligible entity authorized to purchase, possess,
13 and distribute ~~auto-injectable—an~~ epinephrine **delivery system** under
14 the law enforcement and firefighter access to epinephrine act, 2020
15 PA 312, MCL 28.821 to 28.823.

16 (b) **"Epinephrine delivery system"** includes, but is not limited
17 to, an epinephrine auto-injector, an epinephrine inhaler, or
18 epinephrine nasal spray.

19 Sec. 17744d. (1) This section only applies to an authorized
20 entity as defined in section ~~17744a(6)(b)~~—**17744a(6)(a)(ii)** that
21 acquires and stocks a supply of ~~auto-injectable—an~~ epinephrine
22 **delivery system** as authorized in section 17744a. An authorized
23 entity shall store ~~auto-injectable—an~~ epinephrine **delivery system**
24 in a location readily accessible in an emergency and in accordance
25 with the ~~auto-injectable-epinephrine's~~ **epinephrine delivery**
26 **system's** instructions for use and any additional requirements that
27 are established by the department. An authorized entity shall
28 designate an employee or agent who has completed the training
29 required under this section to be responsible for the storage,

1 maintenance, and general oversight of the ~~auto-injectable~~
2 epinephrine **delivery system** acquired by the authorized entity.

3 (2) An employee or agent of an authorized entity or other
4 individual, which employee, agent, or individual has completed the
5 training required under this section, may, on the premises of or in
6 connection with the conduct of the business or activity of the
7 authorized entity, use ~~auto-injectable-an~~ epinephrine **delivery**
8 **system** prescribed under section 17744a to do any of the following:

9 (a) Provide ~~auto-injectable-the~~ epinephrine **delivery system** to
10 an individual who the employee, agent, or other individual believes
11 in good faith is experiencing anaphylaxis for immediate self-
12 administration, regardless of whether the individual has a
13 prescription for ~~auto-injectable-an~~ epinephrine **delivery system** or
14 has previously been diagnosed with an allergy.

15 (b) Administer ~~auto-injectable-the~~ epinephrine **delivery system**
16 to an individual who the employee, agent, or other individual
17 believes in good faith is experiencing anaphylaxis, regardless of
18 whether the individual has a prescription for ~~auto-injectable-an~~
19 epinephrine **delivery system** or has previously been diagnosed with
20 an allergy.

21 (3) Before providing or administering ~~auto-injectable-an~~
22 epinephrine **delivery system** made available by an authorized entity,
23 an employee, agent, or other individual described in subsection (2)
24 must complete an initial anaphylaxis training program and a
25 subsequent anaphylaxis training program at least every 2 years
26 following completion of the most recently completed anaphylaxis
27 training program that meets all of the following requirements:

28 (a) Is conducted by a nationally recognized organization
29 experienced in training laypersons in emergency health treatment or

1 by a person, entity, or class of individuals approved by the
2 department.

3 (b) Is conducted online or in person.

4 (c) At a minimum, covers all of the following:

5 (i) Techniques on how to recognize symptoms of severe allergic
6 reactions, including anaphylaxis.

7 (ii) Standards and procedures for the storage and
8 administration of ~~auto-injectable~~ epinephrine **delivery systems**.

9 (iii) Emergency follow-up procedures.

10 (4) An organization, person, entity, or class of individuals
11 that conducts an anaphylaxis training program described in
12 subsection (3) shall issue a certificate, on a form developed or
13 approved by the department, to each individual who successfully
14 completes the anaphylaxis training program.

15 (5) Except as otherwise provided in this section, an
16 authorized entity and its employees, agents, and other trained
17 individuals that have acted in accordance with the requirements of
18 subsections (1) to (4); an individual who uses ~~auto-injectable~~ **an**
19 epinephrine **delivery system** obtained in accordance with the
20 requirements of subsections (1) to (4) and made available under
21 subsection (10); or an organization, person, entity, or class of
22 individuals that conducts an anaphylaxis training program described
23 in and conducted in accordance with subsection (3), is not subject
24 to any of the following:

25 (a) For an authorized entity or person other than an
26 individual described in this subsection, civil liability for
27 injury, death, or damages that result from the administration or
28 self-administration of ~~auto-injectable~~ **the** epinephrine **delivery**
29 **system**, the failure to administer ~~auto-injectable~~ **the** epinephrine

delivery system, or any other act or omission taken pursuant to this section, if the conduct does not constitute gross negligence as that term is defined in section 7 of 1964 PA 170, MCL 691.1407, that is the proximate cause of the injury, death, or damages.

(b) For an individual described in this subsection, civil liability for injury, death, or damages that result from the administration or self-administration of ~~auto-injectable-the~~ epinephrine **delivery system**, the failure to administer ~~auto-injectable-the~~ epinephrine **delivery system**, or any other act or omission taken pursuant to this section, if the conduct does not constitute willful or wanton misconduct that is the proximate cause of the injury, death, or damages.

(c) For an authorized entity or person including an individual described in this subsection, criminal prosecution for purchasing, possessing, or distributing ~~auto-injectable-the~~ epinephrine **delivery system**, the administration or self-administration of ~~auto-injectable-the~~ epinephrine **delivery system**, the failure to administer ~~auto-injectable-the~~ epinephrine **delivery system**, or any other act or omission taken pursuant to this section.

(6) The administration of ~~auto-injectable-an~~ epinephrine **delivery system** as authorized in this section is not the practice of medicine.

(7) This section does not eliminate, limit, or reduce any other immunity or defense that may be available under the laws of this state.

(8) An authorized entity located in this state is not civilly liable for any injuries or related damages that result from providing or administering ~~auto-injectable-an~~ epinephrine **delivery system** by its employees or agents outside of this state if either

1 of the following requirements is met:

2 (a) The authorized entity or its employee or agent would not
3 have been civilly liable for the injuries or related damages had
4 the provision or administration occurred in this state.

5 (b) The authorized entity or its employee or agent is not
6 civilly liable for the injuries or related damages under the law of
7 the state in which the provision or administration occurred.

8 (9) An authorized entity shall submit to the department, on a
9 form prescribed by the department, a report of each incident on the
10 premises of or in connection with the conduct of the business or
11 activity of the authorized entity that involves the administration
12 of ~~auto-injectable-an~~ epinephrine **delivery system**. The department
13 shall annually publish a report that summarizes and analyzes all
14 reports submitted to it under this subsection.

15 (10) An authorized entity may make ~~auto-injectable-an~~
16 epinephrine **delivery system** available to an individual other than
17 an employee, agent, or individual described in subsection (2), and
18 the other individual may administer ~~auto-injectable-an~~ epinephrine
19 **delivery system** to any individual ~~he or she~~ **the other individual**
20 believes in good faith to be experiencing anaphylaxis, if the ~~auto-~~
21 ~~injectable-~~epinephrine **delivery system** is stored in a locked,
22 secure container and is made available only upon remote
23 authorization by an authorized health care provider after
24 consultation with the authorized health care provider by audio,
25 televideo, or other similar means of electronic communication.
26 Consultation with an authorized health care provider for the
27 purpose of this subsection is not the practice of telemedicine and
28 does not violate any law or rule regulating the authorized health
29 care provider's scope of practice. As used in this subsection,

1 "authorized health care provider" means a prescriber as that term
2 is defined in section 17708 other than a licensed dentist, licensed
3 optometrist, or licensed veterinarian.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 103rd Legislature are
6 enacted into law:

- 7 (a) House Bill No. 5054 (request no. H02192'25).
- 8 (b) House Bill No. 5049 (request no. H02193'25).
- 9 (c) House Bill No. 5051 (request no. H02911'25).
- 10 (d) House Bill No. 5052 (request no. H03174'25).
- 11 (e) House Bill No. 5053 (request no. H03176'25).