

HOUSE BILL No. 4366

March 14, 2019, Introduced by Rep. Sheppard and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17744b (MCL 333.17744b), as amended by 2016 PA 384.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17744b. (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 an opioid
4 antagonist to any of the following:

5 (a) An individual patient at risk of experiencing an opioid-
6 related overdose.

7 (b) A family member, friend, or other individual in a position
8 to assist an individual at risk of experiencing an opioid-related
9 overdose.

1 (c) A school board for purposes of section 1179b of the
2 revised school code, 1976 PA 451, MCL 380.1179b.

3 (d) A person other than an individual that meets all of the
4 following requirements:

5 (i) Acts at the direction of the prescriber or dispensing
6 prescriber.

7 (ii) Upon receipt of an opioid antagonist, stores the opioid
8 antagonist in compliance with this part.

9 (iii) Dispenses or administers an opioid antagonist under a
10 valid prescription issued to an individual or a patient.

11 (iv) Performs the requirements under this subsection without
12 charge or compensation.

13 **(E) A PUBLIC LIBRARY FOR PURPOSES OF THE ADMINISTRATION OF**
14 **OPIOID ANTAGONISTS BY LIBRARY EMPLOYEES ACT.**

15 (2) When issuing a prescription for or dispensing an opioid
16 antagonist as authorized under this section to a school board, **A**
17 **PUBLIC LIBRARY**, or a person other than a patient, the prescriber,
18 dispensing prescriber, or pharmacist, as appropriate, shall insert
19 the name of the school board, **THE PUBLIC LIBRARY**, or the person as
20 the name of the patient.

21 (3) Notwithstanding any provision of this act to the contrary,
22 a person that is acting in good faith and with reasonable care may
23 possess and dispense an opioid antagonist.

24 (4) Notwithstanding any provision of this act to the contrary,
25 a school employee who is a licensed registered professional nurse
26 or who is trained in the administration of an opioid antagonist
27 under section 1179b of the revised school code, 1976 PA 451, MCL

1 380.1179b, may possess and administer an opioid antagonist
2 dispensed to a school board under this section.

3 **(5) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY,**
4 **A PUBLIC LIBRARY EMPLOYEE OR AGENT WHO IS TRAINED IN THE**
5 **ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER THE ADMINISTRATION OF**
6 **OPIOID ANTAGONISTS BY LIBRARY EMPLOYEES ACT MAY POSSESS AND**
7 **ADMINISTER AN OPIOID ANTAGONIST DISPENSED TO A PUBLIC LIBRARY UNDER**
8 **THIS SECTION.**

9 **(6)** ~~(5)~~—A prescriber who issues a prescription for or a
10 dispensing prescriber or pharmacist who dispenses an opioid
11 antagonist as authorized under this section is not liable in a
12 civil action for a properly stored and dispensed opioid antagonist
13 that was a proximate cause of injury or death to an individual due
14 to the administration of or failure to administer the opioid
15 antagonist.

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

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 4367 (request no.
20 01905'19) of the 100th Legislature is enacted into law.