

ADMINISTRATION OF OPIOID ANTAGONISTS BY LIBRARY EMPLOYEES

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House Bills 4366 and 4367 as reported from committee
Sponsor: Rep. Jason M. Sheppard
Committee: Government Operations
Complete to 3-19-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Taken together, House Bills 4366 and 4367 would allow library employees to carry and administer opioid antagonists if they have been trained to do so.

House Bill 4367 would create a new act, the Administration of Opioid Antagonists by Library Employees Act. The act would allow a *public library* to purchase and possess an *opioid antagonist* and distribute it to a *library employee or agent* who has been trained in its use. The library employee or agent could possess an opioid antagonist given to him or her by the library. If trained in the proper administration of the opioid antagonist, the library employee or agent could administer it to an individual who he or she had reason to believe was experiencing an opioid-related overdose.

Library employee or agent would include library employees as well as volunteers, contract workers, and appointed or elected officials who serve on the governing board of a public library.

Public library would mean a library established for the general public by one or more local units of government, including school districts, or by a public or local act. It would not include a special library such as a professional, technical, or school library.

Opioid antagonist would mean naloxone hydrochloride or an equally safe and effective drug approved by the Food and Drug Administration for the treatment of drug overdose.

The library and the employee or agent would be immune from civil liability for injuries or damages arising from the good-faith administration of an opioid antagonist to an individual unless that conduct amounted to gross negligence that was the proximate cause of the injury or damage. The library and the employee or agent would not be subject to a criminal prosecution for purchasing, possessing, distributing, or administering an opioid antagonist, as applicable, under the act.

House Bill 4366 would make complementary changes to the provisions of the Public Health Code concerning opioid antagonists to allow public libraries and certain of their employees to purchase, possess, or administer an opioid antagonist for purposes of the new act.

MCL 333.17744b

Each bill would take effect 90 days after its enactment. The two bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

BACKGROUND:

According to the Department of Health and Human Services, the number of drug overdose deaths in Michigan rose to 2,729 in 2017, continuing an upward trend since 2012. Over 70% of these deaths (1,941 cases) were opioid-related.¹ The number of opioid-related overdose deaths in Michigan has nearly tripled since 2012, when 681 such deaths were recorded. Nationally, opioid overdoses kill an estimated 115 Americans every day.

Naloxone hydrochloride is a nonaddictive drug that can safely and rapidly reverse the effects of an opioid overdose. It is commonly known by the brand names Narcan (a nasal spray) and Evzio (a prefilled auto-injection device). Administered to an individual whose breathing has slowed or stopped due to overdosing with heroin or a prescription opioid, naloxone can very quickly restore normal breathing. That is, it can save lives, especially if it is available to be administered during the crucial moments before emergency medical help is on the scene.

As part of the continuing efforts to address opioid use in this state, the Michigan Prescription Drug and Opioid Abuse Task Force released its report of findings and recommendations for action in October of 2015.² Among its findings and recommendations were the following:

- “Naloxone is a safe and life-saving drug that should be more accessible... The Task Force recommends pharmacists be allowed to dispense Naloxone to the public in similar fashion to how pseudoephedrine is currently dispensed.”
- “Responding to an emergency should be the priority when administering Naloxone. It is essential that anyone administering Naloxone should not be hesitant to do so because of criminal and civil liabilities.”

In 2016, Michigan passed a naloxone standing order law, which allows a pharmacist to dispense the drug without the need to identify a particular patient. This allows friends or family members—or any individual—to obtain naloxone to use in an emergency.

Michigan has also enacted “Good Samaritan” protections from civil and criminal liability for individuals who administer naloxone in good faith to someone whom they believe to be suffering the immediate effects of an opioid-related overdose. Other laws have more specifically provided greater access to naloxone, and have limited individual and institutional liability for its good-faith use, for law enforcement, emergency services, and school personnel and entities.

BRIEF DISCUSSION:

Libraries, according to news reports and committee testimony, are becoming more frequent sites of drug use and overdose deaths, in Michigan and nationwide. As *American Libraries* put it, “[T]he fact that libraries are open to all, offer relative anonymity, and generally allow patrons to stay as long as they like make them uniquely vulnerable to those seeking a place to use drugs.”³

¹ https://www.michigan.gov/opioids/0,9238,7-377-88143_88334_88340-480039--00.html

² http://www.michigan.gov/documents/snyder/Prescription_Drug_and_Opioid_Task_Force_Report_504140_7.pdf

³ <https://americanlibrariesmagazine.org/2017/06/21/saving-lives-in-the-stacks/>

House Bills 4366 and 4367 would authorize libraries and library employees to obtain, possess, and administer an opioid antagonist such as naloxone and would limit their liability for its good-faith use by a person trained to use it. According to committee testimony, although Michigan's Good Samaritan laws currently would shield from liability an individual who administers an opioid antagonist to someone suffering an overdose, libraries themselves may be hesitant to keep or provide such drugs because institutionally they would not be so shielded.⁴

FISCAL IMPACT:

House Bill 4367 would have no fiscal impact on the state or local units of government because the bill permits, rather than requires, public libraries to carry opioid antagonists.

House Bill 4366 would not have a significant fiscal impact on any unit of state or local government.

POSITIONS:

Representatives of the following organizations testified in support of the bills (3-19-19):

- Michigan Library Association
- East Lansing Public Library

The Michigan Department of Education indicated support for the bill. (3-19-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

⁴ The Public Health Code allows a *person* to administer naloxone, and limits the liability of a *person* for doing so in good faith, but the term *person* as defined in that act expressly does not include governmental entities.