

SENATE BILL No. 283

April 24, 2019, Introduced by Senator LUCIDO and referred to the Committee on Health Policy and Human Services.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5 and 1178 (MCL 380.5 and 380.1178), as
amended by 2016 PA 385; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" means a district
2 governed by a local act or chapter of a local act. "Local school
3 district" and "local school district board" as used in article 3
4 include a local act school district and a local act school district
5 board.

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils
8 registered for attendance plus pupils received by transfer and
9 minus pupils lost as defined by rules promulgated by the
10 superintendent of public instruction.

1 (3) "Michigan election law" means the Michigan election law,
2 1954 PA 116, MCL 168.1 to 168.992.

3 (4) "Nonpublic school" means a private, denominational, or
4 parochial school.

5 (5) "Objectives" means measurable pupil academic skills and
6 knowledge.

7 ~~—— (6) "Opioid antagonist" means naloxone hydrochloride or any~~
8 ~~other similarly acting and equally safe drug approved by the United~~
9 ~~States Food and Drug Administration for the treatment of drug~~
10 ~~overdose.~~

11 ~~—— (7) "Opioid related overdose" means a condition, including,~~
12 ~~but not limited to, extreme physical illness, decreased level of~~
13 ~~consciousness, respiratory depression, coma, or death, that results~~
14 ~~from the consumption or use of an opioid or another substance with~~
15 ~~which an opioid was combined or that an individual who has received~~
16 ~~training approved by a licensed registered professional nurse in~~
17 ~~the administration of an opioid antagonist would believe to be an~~
18 ~~opioid related overdose that requires medical assistance.~~

19 (6) ~~(8)~~ "Public school" means a public elementary or secondary
20 educational entity or agency that is established under this act or
21 under other law of this state, has as its primary mission the
22 teaching and learning of academic and vocational-technical skills
23 and knowledge, and is operated by a school district, intermediate
24 school district, school of excellence corporation, public school
25 academy corporation, strict discipline academy corporation, urban
26 high school academy corporation, or by the department, the state
27 board, or another public body. Public school also includes a

1 laboratory school or other elementary or secondary school that is
2 controlled and operated by a state public university described in
3 section 4, 5, or 6 of article VIII of the state constitution of
4 1963.

5 (7) ~~(9)~~—"Public school academy" means a public school academy
6 established under part 6a and, except as used in part 6a, also
7 includes an urban high school academy established under part 6c, a
8 school of excellence established under part 6e, and a strict
9 discipline academy established under sections 1311b to 1311m.

10 (8) ~~(10)~~—"Pupil membership count day" of a school district
11 means that term as defined in section 6 of the state school aid act
12 of 1979, MCL 388.1606.

13 (9) ~~(11)~~—"Qualifying school district" means a school district
14 that was previously organized and operated as a first class school
15 district governed by part 6 that has a pupil membership of less
16 than 100,000 enrolled on its most recent pupil membership count
17 day, including, but not limited to, a school district that was
18 previously organized and operated as a first class school district
19 before June 21, 2016.

20 (10) ~~(12)~~—"Regular school election" or "regular election"
21 means the election held in a school district, local act school
22 district, or intermediate school district to elect a school board
23 member in the regular course of the terms of that office and held
24 on the school district's regular election date as determined under
25 section 642c of the Michigan election law, MCL 168.642c.

26 (11) ~~(13)~~—"Reorganized intermediate school district" means an
27 intermediate school district formed by consolidation or annexation

1 of 2 or more intermediate school districts under sections 701 and
2 702.

3 (12) ~~(14)~~—"Rule" means a rule promulgated under the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328.

6 Sec. 1178. (1) Subject to subsection (2), a school
7 administrator, teacher, or other school employee designated by the
8 school administrator, who in good faith administers medication to a
9 pupil in the presence of another adult or in an emergency that
10 threatens the life or health of the pupil, pursuant to written
11 permission of the pupil's parent or guardian, and in compliance
12 with the instructions of a physician, physician's assistant, or
13 certified nurse practitioner, or a school employee who in good
14 faith administers an epinephrine auto-injector to an individual
15 consistent with the policies under section 1179a, ~~or in good faith~~
16 ~~administers an opioid antagonist to an individual consistent with~~
17 ~~the policies under section 1179b,~~ is not liable in a criminal
18 action or for civil damages as a result of an act or omission in
19 the administration of the medication ~~,~~ **OR** epinephrine auto-
20 injector, ~~or opioid antagonist,~~ except for an act or omission
21 amounting to gross negligence or willful and wanton misconduct.

22 (2) If a school employee is a licensed registered professional
23 nurse, subsection (1) applies to that school employee regardless of
24 whether the medication ~~,~~ **OR** epinephrine auto-injector ~~,~~ ~~or opioid~~
25 ~~antagonist~~ is administered in the presence of another adult.

26 (3) A school district, nonpublic school, member of a school
27 board, or director or officer of a nonpublic school is not liable

1 for damages in a civil action for injury, death, or loss to person
2 or property allegedly arising from a person acting under this
3 section.

4 Enacting section 1. Section 1179b of the revised school code,
5 1976 PA 451, MCL 380.1179b, is repealed.

6 Enacting section 2. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 3. This amendatory act does not take effect
9 unless all of the following bills of the 100th Legislature are
10 enacted into law:

11 (a) Senate Bill No. 200.

12 (b) House Bill No. 4367.