

**SUBSTITUTE FOR
SENATE BILL NO. 1049**

A bill 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Law enforcement agency" means an entity of this state or
3 of a local unit of government of this state that employs peace
4 officers.

5 (b) "Opioid antagonist" means naloxone hydrochloride or any
6 other similarly acting and equally safe drug approved by the

1 federal food and drug administration for the treatment of drug
2 overdose.

3 (c) "Opioid-related overdose" means a condition, including,
4 but not limited to, extreme physical illness, decreased level of
5 consciousness, respiratory depression, coma, or death, that results
6 from the consumption or use of an opioid or another substance with
7 which an opioid was combined or that a reasonable person would
8 believe to be an opioid-related overdose that requires medical
9 assistance.

10 (d) "Peace officer" means 1 or more of the following:

11 (i) A regularly employed member of a law enforcement agency
12 authorized and established under law, including common law, who is
13 responsible for the prevention and detection of crime and the
14 enforcement of the general criminal laws of this state. Peace
15 officer does not include a person serving solely because he or she
16 occupies any other office or position.

17 (ii) A law enforcement officer of a Michigan Indian tribal
18 police force.

19 (iii) The sergeant at arms or any assistant sergeant at arms of
20 either house of the legislature who is commissioned as a police
21 officer by that respective house of the legislature as provided by
22 the legislative sergeant at arms police powers act, 2001 PA 185,
23 MCL 4.381 to 4.382.

24 (iv) A law enforcement officer of a multicounty metropolitan
25 district.

26 (v) A police officer or public safety officer of a community
27 college, college, or university who is authorized by the governing

Senate Bill No. 1049 as amended October 1, 2014

1 board of that community college, college, or university to enforce
2 state law and the rules and ordinances of that community college,
3 college, or university.

4 Sec. 2. A law enforcement agency may purchase and possess any
5 opioid antagonist for purposes of this act and distribute that
6 opioid antagonist to peace officers in its employ who have been
7 trained in the administration of that opioid antagonist for
8 purposes of this act.

9 Sec. 3. A peace officer may possess any opioid antagonist
10 distributed to that peace officer under section 2 and may
11 administer that opioid antagonist to an individual if both of the
12 following apply:

13 (a) The peace officer has been trained in the proper
14 administration of that opioid antagonist.

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

17 Sec. 4. (1) A law enforcement agency that purchases,
18 possesses, or distributes any opioid antagonist under section 2,
19 and any peace officer that possesses or in good faith administers
20 an opioid antagonist under section 3, is immune from civil
21 liability for <<injuries or>> damages arising out of the
22 administration of that
23 opioid antagonist to any individual under this act <<if the conduct
24 does not amount to gross negligence that is the proximate cause of
25 the injury or damage. As used in this subsection, "gross negligence"
26 means that term as defined in section 7 of 1964 PA 170, MCL 691.1407>>.

27 (2) A law enforcement agency that purchases, possesses, or
28 distributes any opioid antagonist under section 2, and any peace
29 officer that possesses or in good faith administers an opioid
30 antagonist under section 3, is not subject to criminal prosecution
31 for purchasing, possessing, distributing, or administering any

1 opioid antagonist to any individual under this act.