

HOUSE BILL No. 5379

February 17, 2016, Introduced by Reps. Brunner, Sheppard, LaVoy, Smiley, Singh, Chirkun, Plawecki, Faris, Schor, Forlini and Lucido and referred to the Committee on Health Policy.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 1178 (MCL 380.5 and 380.1178), section 5 as amended by 2011 PA 232 and section 1178 as amended by 2013 PA 187, and by adding section 1179b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 (2) "Membership" means the number of full-time equivalent
2 pupils in a public school as determined by the number of pupils
3 registered for attendance plus pupils received by transfer and
4 minus pupils lost as defined by rules promulgated by the state
5 board.

6 (3) "Michigan election law" means the Michigan election law,
7 1954 PA 116, MCL 168.1 to 168.992.

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

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

12 (6) **"OPIOID ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR ANY**
13 **OTHER SIMILARLY ACTING AND EQUALLY SAFE DRUG APPROVED BY THE UNITED**
14 **STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF DRUG**
15 **OVERDOSE.**

16 (7) **"OPIOID-RELATED OVERDOSE" MEANS A CONDITION, INCLUDING,**
17 **BUT NOT LIMITED TO, EXTREME PHYSICAL ILLNESS, DECREASED LEVEL OF**
18 **CONSCIOUSNESS, RESPIRATORY DEPRESSION, COMA, OR DEATH, THAT RESULTS**
19 **FROM THE CONSUMPTION OR USE OF AN OPIOID OR ANOTHER SUBSTANCE WITH**
20 **WHICH AN OPIOID WAS COMBINED OR THAT A REASONABLE PERSON WOULD**
21 **BELIEVE TO BE AN OPIOID-RELATED OVERDOSE THAT REQUIRES MEDICAL**
22 **ASSISTANCE.**

23 (8) ~~(6)~~ "Public school" means a public elementary or secondary
24 educational entity or agency that is established under this act,
25 has as its primary mission the teaching and learning of academic
26 and vocational-technical skills and knowledge, and is operated by a
27 school district, local act school district, special act school

1 district, intermediate school district, school of excellence,
2 public school academy corporation, strict discipline academy
3 corporation, urban high school academy corporation, or by the
4 department or state board. Public school also includes a laboratory
5 school or other elementary or secondary school that is controlled
6 and operated by a state public university described in section 4,
7 5, or 6 of article VIII of the state constitution of 1963.

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

13 (10) ~~(8)~~—"Pupil membership count day" of a school district
14 means that term as defined in section 6 of the state school aid act
15 of 1979, MCL 388.1606.

16 (11) ~~(9)~~—"Regular school election" or "regular election" means
17 the election held in a school district, local act school district,
18 or intermediate school district to elect a school board member in
19 the regular course of the terms of that office and held on the
20 school district's regular election date as determined under section
21 642c of the Michigan election law, MCL 168.642c.

22 (12) ~~(10)~~—"Reorganized intermediate school district" means an
23 intermediate school district formed by consolidation or annexation
24 of 2 or more intermediate school districts under sections 701 and
25 702.

26 (13) ~~(11)~~—"Rule" means a rule promulgated under the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

2 Sec. 1178. (1) Subject to subsection (2), a school
3 administrator, teacher, or other school employee designated by the
4 school administrator, who in good faith administers medication to a
5 pupil in the presence of another adult or in an emergency that
6 threatens the life or health of the pupil, pursuant to written
7 permission of the pupil's parent or guardian, and in compliance
8 with the instructions of a physician, physician's assistant, or
9 certified nurse practitioner, or a school employee who in good
10 faith administers an epinephrine auto-injector to an individual
11 consistent with the policies under section 1179a **OR IN GOOD FAITH**
12 **ADMINISTERS AN OPIOID ANTAGONIST TO AN INDIVIDUAL CONSISTENT WITH**
13 **THE POLICIES UNDER SECTION 1179B**, is not liable in a criminal
14 action or for civil damages as a result of an act or omission in
15 the administration of the medication, ~~or~~ epinephrine auto-injector,
16 **OR OPIOID ANTAGONIST**, except for an act or omission amounting to
17 gross negligence or willful and wanton misconduct.

18 (2) If a school employee is a licensed registered professional
19 nurse, subsection (1) applies to that school employee regardless of
20 whether the medication, ~~or~~ epinephrine auto-injector, **OR OPIOID**
21 **ANTAGONIST** is administered in the presence of another adult.

22 (3) A school district, nonpublic school, member of a school
23 board, or director or officer of a nonpublic school is not liable
24 for damages in a civil action for injury, death, or loss to person
25 or property allegedly arising from a person acting under this
26 section.

27 **SEC. 1179B. (1) SUBJECT TO THIS SECTION, BEGINNING WITH THE**

1 2016-2017 SCHOOL YEAR, A SCHOOL BOARD MAY REQUIRE THAT, IN EACH
2 SCHOOL IT OPERATES, THERE IS NOT LESS THAN 1 EMPLOYEE AT THE SCHOOL
3 WHO HAS BEEN TRAINED IN THE APPROPRIATE USE AND ADMINISTRATION OF
4 AN OPIOID ANTAGONIST. A SCHOOL BOARD THAT REQUIRES AN EMPLOYEE TO
5 BE TRAINED UNDER THIS SUBSECTION SHALL ENSURE THAT THE TRAINING IS
6 CONDUCTED UNDER THE SUPERVISION OF, AND INCLUDES EVALUATION BY, A
7 LICENSED REGISTERED PROFESSIONAL NURSE.

8 (2) A SCHOOL BOARD THAT REQUIRES AN EMPLOYEE TO BE TRAINED IN
9 THE USE AND ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER SUBSECTION
10 (1) SHALL, NOT LATER THAN THE BEGINNING OF THE 2016-2017 SCHOOL
11 YEAR, DEVELOP AND IMPLEMENT A POLICY THAT IS CONSISTENT WITH THE
12 DEPARTMENT'S MEDICATION ADMINISTRATION GUIDELINES, AS REVISED UNDER
13 SUBSECTION (4), AND THAT PROVIDES FOR THE POSSESSION OF NOT FEWER
14 THAN 1 PACKAGE OF AN OPIOID ANTAGONIST IN EACH SCHOOL OPERATED BY
15 THE SCHOOL BOARD TO BE USED FOR ADMINISTRATION BY A LICENSED
16 REGISTERED PROFESSIONAL NURSE WHO IS EMPLOYED OR CONTRACTED BY THE
17 SCHOOL DISTRICT OR BY A SCHOOL EMPLOYEE WHO IS TRAINED IN THE
18 ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER SUBSECTION (1) AND IS
19 AUTHORIZED TO ADMINISTER AN OPIOID ANTAGONIST UNDER THE POLICY. A
20 POLICY UNDER THIS SUBSECTION SHALL AUTHORIZE A LICENSED REGISTERED
21 PROFESSIONAL NURSE WHO IS EMPLOYED OR CONTRACTED BY THE SCHOOL
22 DISTRICT OR A SCHOOL EMPLOYEE WHO IS TRAINED IN THE ADMINISTRATION
23 OF AN OPIOID ANTAGONIST UNDER SUBSECTION (1) TO ADMINISTER AN
24 OPIOID ANTAGONIST TO A PUPIL OR OTHER INDIVIDUAL ON SCHOOL GROUNDS
25 WHO IS BELIEVED TO BE HAVING AN OPIOID-RELATED OVERDOSE. A POLICY
26 UNDER THIS SUBSECTION ALSO SHALL REQUIRE NOTIFICATION TO THE PARENT
27 OR LEGAL GUARDIAN OF A PUPIL TO WHOM AN OPIOID ANTAGONIST HAS BEEN

1 ADMINISTERED.

2 (3) A LICENSED REGISTERED PROFESSIONAL NURSE WHO IS EMPLOYED
3 OR CONTRACTED BY THE SCHOOL DISTRICT OR A SCHOOL EMPLOYEE WHO IS
4 TRAINED IN THE ADMINISTRATION OF AN OPIOID ANTAGONIST UNDER
5 SUBSECTION (1) MAY POSSESS AND ADMINISTER AN OPIOID ANTAGONIST.

6 (4) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
7 HEALTH AND HUMAN SERVICES AND WITH INPUT FROM THE MICHIGAN
8 ASSOCIATION OF SCHOOL NURSES, THE MICHIGAN NURSES ASSOCIATION, THE
9 MICHIGAN PARENT TEACHER ASSOCIATION, THE MICHIGAN CHAPTER OF THE
10 AMERICAN ACADEMY OF PEDIATRICS, THE SCHOOL-COMMUNITY HEALTH
11 ALLIANCE OF MICHIGAN, AND OTHER SCHOOL HEALTH ORGANIZATIONS AND
12 ENTITIES, SHALL IDENTIFY, DEVELOP, AND ADOPT APPROPRIATE REVISIONS
13 TO THE MEDICATION ADMINISTRATION GUIDELINES ISSUED BY THE
14 DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, THOSE RELATING TO THE
15 SPECIFICATION OF TRAINING NEEDS AND REQUIREMENTS FOR THE
16 ADMINISTRATION AND MAINTENANCE OF STOCK OPIOID ANTAGONISTS AND
17 STORAGE REQUIREMENTS.

18 (5) AT LEAST ANNUALLY, A SCHOOL DISTRICT SHALL REPORT TO THE
19 DEPARTMENT, IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT,
20 ALL INSTANCES OF ADMINISTRATION OF AN OPIOID ANTAGONIST TO A PUPIL
21 AT SCHOOL. THE REPORTING SHALL INCLUDE, BUT IS NOT LIMITED TO, THE
22 NUMBER OF PUPILS WHO WERE ADMINISTERED AN OPIOID ANTAGONIST AT
23 SCHOOL USING THE SCHOOL'S STOCK OF OPIOID ANTAGONISTS.

24 (6) AS USED IN THIS SECTION:

25 (A) "SCHOOL BOARD" INCLUDES A SCHOOL BOARD, INTERMEDIATE
26 SCHOOL BOARD, OR THE DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

27 (B) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, INTERMEDIATE

1 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Bill No. _____ or House Bill No. 5378 (request no.
4 04231'15) of the 98th Legislature is enacted into law.