

# Legislative Analysis



## NONOPIOID DIRECTIVE FORM

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5261 (proposed substitute H-1)**  
**Sponsor: Rep. Abdullah Hammoud**  
**Committee: Health Policy**  
**Complete to 11-3-21**

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

## SUMMARY:

House Bill 5261 would amend the Public Health Code to allow an opioid to be administered to a patient who has a nonopioid directive form in cases of medical necessity and to require the form to be prominently displayed in the patient's medical record.

A nonopioid directive allows patients to notify health professionals that they do not want to be administered opioids—often because they are most at risk of misusing opioids, including those with a history of an opioid disorder.<sup>1</sup> The form was introduced by 2018 PA 554.<sup>2</sup>

However, the code allows a prescriber with a controlled substance license or a nurse acting on the order of the prescriber to administer an opioid to a patient with a nonopioid directive form if, in the prescriber's professional opinion, the administration is medically necessary.

The bill would add another exception under which an opioid could be administered: if the opioid is for intraoperative use—which means occurring or performed during the course of a surgical operation.

MCL 333.9145

## FISCAL IMPACT:

House Bill 5261 would not have a fiscal impact on the state or on local units of government.

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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.

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<sup>1</sup> <https://www.michigan.gov/mdhhs/0,5885,7-339--493376--,00.html>

<sup>2</sup> House Fiscal Agency analysis of 2018 PA 554 (HB 5152): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5152-1D8A95CE.pdf>