

SENATE BILL NO. 1157

November 26, 2024, Introduced by Senator IRWIN and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 9204 and 17744e (MCL 333.9204 and 333.17744e),
section 9204 as amended by 2023 PA 97 and section 17744e as amended
by 2022 PA 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9204. (1) Except as otherwise provided in subsection (2),
2 a health professional other than a physician may administer an

1 immunizing agent ~~as long as if~~ the **immunizing** agent is being
2 administered under the direction of a physician **and a health**
3 **professional other than a physician or any other individual may**
4 **administer an immunizing agent if it is being administered pursuant**
5 **to a standing order issued under section 17744e.**

6 (2) In addition to administering an immunizing agent under ~~the~~
7 ~~direction of a physician under subsection (1),~~ a pharmacist may
8 order and administer a qualified immunizing agent in accordance
9 with section 17724.

10 Sec. 17744e. (1) Notwithstanding any provision of this act to
11 the contrary, the ~~chief medical executive in the office of chief~~
12 ~~medical executive created within the department of health and human~~
13 ~~services~~ **qualified public health physician** may issue a standing
14 order that does not identify ~~a particular patients~~ **patient** at the
15 time it is issued for **a qualified drug or device if, in the**
16 **judgment of the qualified public health physician,** any of the
17 following ~~purposes~~ **are met:**

18 ~~(a) A pharmacist dispensing opioid antagonists to individuals~~
19 ~~under this section.~~

20 ~~(b) A community-based organization or a staff member of the~~
21 ~~community-based organization distributing opioid antagonists to~~
22 ~~individuals under this section.~~

23 (a) Both of the following are met:

24 (i) Issuing the standing order will significantly contribute to
25 protecting or preserving public health such that the requirement
26 that an individual obtain a prescription issued in the individual's
27 name from a prescriber for the qualified drug or device is contrary
28 to the interests of public health.

29 (ii) The risks of issuing the standing order are insubstantial.

1 (b) Both of the following are met:

2 (i) The standing order is necessary to protect or preserve
3 public health from an emergent disease, event, or condition.

4 (ii) The emergent disease, event, or condition requires
5 distributing the qualified drug or device in a manner that makes
6 the requirement that an individual obtain a prescription issued in
7 the individual's name from a prescriber for the qualified drug or
8 device contrary to the interests of public health.

9 (2) A standing order must include all of the following
10 information:

11 (a) The purpose of the standing order.

12 (b) The qualified drug or the device that is the subject of
13 the standing order.

14 (c) The individuals who are eligible to receive the qualified
15 drug or the device under the standing order.

16 (d) Whether the standing order is issued under subsection
17 (1) (a) or (b) .

18 (e) The justification supporting the qualified public health
19 physician's decision to issue the standing order under subsections
20 (1) (a) (i) to (ii) or (1) (b) (i) to (ii) , as applicable.

21 (3) A standing order expires as follows:

22 (a) Except as otherwise provided in this subdivision, if a
23 standing order is issued under subsection (1) (a) , the standing
24 order expires on the date the standing order is rescinded by the
25 qualified public health physician or 1 year after the date the
26 standing order is issued, whichever is earlier. The qualified
27 public health physician may extend the standing order beyond 1 year
28 after the date the standing order is issued if, not later than 7
29 days before the date the standing order is set to expire, the

1 qualified public health physician posts on the publicly accessible
 2 website for the department of health and human services an
 3 explanation of why the standing order is effective and why it is
 4 necessary to maintain the standing order.

5 (b) Except as otherwise provided in this subdivision, if the
 6 standing order is issued under subsection (1) (b), the standing
 7 order expires on the date the qualified public health physician
 8 rescinds the standing order or 6 months after the date the standing
 9 order is issued, whichever is earlier. The qualified public health
 10 physician shall rescind a standing order issued under subsection
 11 (1) (b) if, in the professional judgment of the qualified public
 12 health physician, the emergent disease, event, or condition no
 13 longer meets the requirements described in subsection (1) (b) (ii).
 14 The qualified public health physician may extend the standing order
 15 beyond 6 months after the date the standing order is issued if, not
 16 later than 7 days before the date the standing order is set to
 17 expire, the qualified public health physician posts on the publicly
 18 accessible website for the department of health and human services
 19 an explanation of why the standing order is effective and why it is
 20 necessary to maintain the standing order.

21 (4) ~~(2)~~ Notwithstanding any provision of this act to the
 22 contrary, a pharmacist may dispense, ~~or a community-based~~
 23 ~~distribute, or administer a qualified drug or device pursuant to a~~
 24 ~~standing order and a community-based~~ organization or ~~a staff member~~
 25 ~~of the community-based organization~~ an employee of the department
 26 of health and human services or a local health department may
 27 distribute ~~an opioid antagonist to any individual or administer a~~
 28 ~~qualified drug or device~~ pursuant to a standing order. ~~issued by~~
 29 ~~the chief medical executive under subsection (1) and the rules~~

~~promulgated under this section.~~

(5) ~~(3) The~~ Except as otherwise provided in subsection (6), the following are not liable in a civil action for damages resulting from the dispensing of an opioid antagonist or the administration of or failure to administer the opioid antagonist: issuance of a standing order or from the dispensing, distribution, or administration of a qualified drug or device pursuant to a standing order, as follows:

(a) The ~~chief medical executive~~ qualified public health physician who issues a ~~the~~ standing order for the ~~opioid antagonist~~ under this section. the qualified drug or device.

(b) A pharmacist who dispenses, the ~~opioid antagonist~~ distributes, or administers the qualified drug or device as authorized under this section. the standing order.

(c) A community-based organization that ~~, or a staff member of the community-based organization who,~~ distributes the ~~opioid antagonist~~ or administers the qualified drug or device as authorized under this section. the standing order.

(d) An employee of the department of health and human services or a local health department who distributes or administers the qualified drug or device as authorized under the standing order.

~~(4) The department, in consultation with the department of health and human services and local health departments, may promulgate rules regarding dispensing, training, distribution, and referral to implement this section.~~

(6) The immunity granted under subsection (5) does not apply in the event of an act or omission that that is willful and wanton misconduct or gross negligence.

(7) ~~(5)~~ As used in this section: ~~, "community-based~~

1 (a) "Chief medical executive" means the chief medical
2 executive in the office of chief medical executive created within
3 the department of health and human services.

4 (b) "Community-based organization" means a public or private
5 organization that provides health or human services to meet the
6 needs of a community, including, but not limited to, a nonprofit
7 organization, a social service provider, or an organization
8 providing substance use disorder prevention, treatment, recovery,
9 or harm reduction services. ~~A community-based organization does not~~
10 ~~include an agency as that term is defined in section 101 of the~~
11 ~~administration of opioid antagonists act, 2019 PA 39, MCL 15.671.~~
12 Community-based organization includes an employee or a volunteer of
13 the community-based organization.

14 (c) "Qualified drug" means a drug other than a controlled
15 substance.

16 (d) "Qualified public health physician" means an individual
17 who meets all of the following requirements:

18 (i) The individual is in the classified state civil service.

19 (ii) The individual is a physician licensed to practice
20 medicine or osteopathic medicine and surgery under part 170 or 175.

21 (iii) The individual is designated by the department of health
22 and human services to provide medical and public health
23 consultation and support to the chief medical executive and the
24 deputy director for public health in the department of health and
25 human services.

26 (e) "Standing order" means an order that is issued under
27 subsection (1).