

ALLOW CORRECTIONS OFFICERS TO ADMINISTER OPIOID ANTAGONISTS

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House Bill 5790 (reported from committee w/o amendment)

Sponsor: Rep. Gary Howell

Committee: Health Policy

Complete to 9-21-16

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

BRIEF SUMMARY: House Bill 5790 would expand the definition of "peace officer" in Public Act 462 of 2014, an act dealing with the carrying and administering of opioid antagonists. Opioid antagonists are drugs approved by the federal Food and Drug Administration for the treatment of drug overdose.

FISCAL IMPACT: The bill would have no fiscal impact on the Michigan State Police, local law enforcement agencies, the Department of Corrections, or Judiciary.

THE APPARENT PROBLEM:

Public Act 462 of 2014 provided that law enforcement agencies may purchase opioid antagonists and provide them to "peace officers." However, while the definition of peace officer in that bill provided for members of law enforcement agencies, the sergeants at arms of both houses of legislature, law enforcement officers of multi-county metropolitan districts, and police officers or public safety officers of community colleges, colleges and universities, **it did not include corrections officers**. This bill would remedy that oversight.

Many jails and prisons do not have full-time medical staff, and this bill would provide that appropriately-trained corrections officers would be allowed to administer opioid antagonists in case of emergency, rather than waiting for paramedics to arrive.

THE CONTENT OF THE BILL:

Once law enforcement agencies have purchased opioid antagonists and provided them to peace officers, as provided in Public Act 462 of 2014, peace officers may then administer the drugs to an individual as long as they (1) have received training in their administration and (2) have reason to believe the individual is experiencing an opioid-related overdose. As long as the law enforcement agency and peace officer act in good faith and their acts do not constitute gross negligence, they are immune from civil liability and criminal prosecution.

House Bill 5790 would expand the definition of "peace officer" to include the following:

- ***Local corrections officer:*** any person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator.

- ***State correctional officer:*** any person employed by the Department of Corrections in a correctional facility as a correctional officer or a corrections medical aide, or that person's immediate supervisor.

ARGUMENTS:

For:

The bill simply extends to correctional officers the same authority to use opioid antagonists that law enforcement officers have.

Against:

No one testified or voted against this bill in the House Health Policy committee.

POSITIONS:

The Michigan State Medical Society supports this bill. (9-6-16)

The Prosecuting Attorneys Association of Michigan supports this bill. (9-6-16)

The Michigan Corrections Organization supports this bill. (9-13-16)

The Police Officers Association of Michigan supports this bill. (9-13-16)

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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.