

# Legislative Analysis



## DISTRIBUTION OF NALOXONE

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

**House Bill 5077 as reported from committee**  
**Sponsor: Rep. Curt S. VanderWall**

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

**House Bill 5078 as reported from committee**  
**Sponsor: Rep. Carrie A. Rheingans**

**Committee: Health Policy**  
**Revised 4-24-24**

### SUMMARY:

House Bills 5077 and 5078 would amend the Administration of Opioid Antagonists Act and the Public Health Code, respectively, to expand the ability of certain agencies to distribute drugs (such as Narcan) that can reverse the effects of an opioid overdose.

Current law allows an *agency* to purchase and possess an *opioid antagonist* and distribute it to an *employee or agent* who has been trained in its use. The employee or agent may administer it under certain circumstances, and the law provides immunity for its good-faith administration.

The bills would authorize an agency to obtain opioid antagonists by means other than purchase and specifically allow an agency or its employee or agent to directly or indirectly distribute the opioid antagonist to any individual (i.e., not just to administer it). Current immunity from criminal prosecution or civil liability (in the absence of willful or wanton misconduct) would apply to obtaining or distributing an opioid antagonist under the bills.

*Opioid antagonist* means naloxone hydrochloride or an equally safe and effective drug approved by the Food and Drug Administration for the treatment of drug overdose.

*Agency* means any of the following (but does not include a life support agency or other provider of emergency medical services):

- This state and its agencies, departments, commissions, courts, boards, and statutorily created task forces
- A public university or college of this state.
- A city, village, or township or any combination of them when acting jointly.
- A county, county road commission, school district, public library, port district, metropolitan district, or transportation authority; a combination of these acting jointly; an agency, department, court, board, or council of them; or a district or authority authorized by law or formed by one or more of these entities.

*Employee or agent* means an individual employed by an agency, under contract with an agency, serving on the governing body of an agency, or volunteering with an agency.

Neither bill can take effect unless both are enacted.

HB 5077: MCL 15.673 and 15.677 and proposed MCL 15.676  
HB 5078: MCL 333.17744b

## BRIEF DISCUSSION:

Naloxone hydrochloride is a nonaddictive drug that can safely and rapidly reverse the effects of an opioid overdose. (Among other substances, opioids include heroin, fentanyl, and such prescription drugs such as Vicodin, Dilaudid, Demerol, OxyContin, and Percocet.) Naloxone is commonly known by the brand names Narcan (a nasal spray) and Evzio (a prefilled auto-injection device). Administered to an individual whose breathing has slowed or stopped due to an opioid overdose, naloxone can quickly restore normal breathing. That is, it can save lives.<sup>1</sup>

In response to the ongoing opioid epidemic, Michigan has taken steps to ensure that naloxone is more widely and readily available when needed, including enacting the Administration of Opioid Antagonists Act described above. However, that law technically now only allows agencies and their employees to *administer* naloxone to someone who has overdosed. It does not authorize them to otherwise distribute naloxone (for example, for someone to have on hand for themselves or a loved one in case of emergency). According to committee testimony, by specifically allowing the distribution of naloxone to anyone who wants or may need it, the bills would help get more naloxone into more hands for timely access when seconds count.

## FISCAL IMPACT:

House Bills 5077 and 5078 would have an indeterminate fiscal impact on the state and on local units of government. To the extent provisions of the bills result in fewer cases of civil and criminal liability, costs to the state and to local court systems could be decreased. A reduction in the number of civil actions would result in a decrease in the number of court cases and the associated administrative costs, a reduction in the number of felony charges would result in decreased costs related to the state correctional system, and a reduction in the number of misdemeanor charges would result in decreased costs related to county jails or local misdemeanor probation supervision. It is difficult to project the actual fiscal impact to courts due to variables such as judicial discretion and complexity of cases.

## POSITIONS:

A representative of the Flint Odyssey House testified in support of the bills. (10-26-23)

The following entities indicated support for the bills:

- Department of Health and Human Services (3-5-24)
- Michigan Association for Local Public Health (10-26-23)
- Families Against Narcotics (3-5-24)
- University of Michigan Opioid Research Institute (3-4-24)
- Substance Use Disorder Services Directors (3-5-24)
- Michigan Nurses Association (3-5-24)

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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.

<sup>1</sup> <https://www.michigan.gov/opioids/find-help/naloxone-page>