SENATE BILL NO. 283

April 24, 2019, Introduced by Senator LUCIDO and referred to the Committee on Health Policy and Human Services.

A bill to amend 1976 PA 451, entitled "The revised school code,"

by amending sections 5 and 1178 (MCL 380.5 and 380.1178), as amended by 2016 PA 385; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

- include a local act school district and a local act school districtboard.
- 3 (2) "Membership" means the number of full-time equivalent
- 4 pupils in a public school as determined by the number of pupils
- 5 registered for attendance plus pupils received by transfer and
- 6 minus pupils lost as defined by rules promulgated by the
- 7 superintendent of public instruction.
- 8 (3) "Michigan election law" means the Michigan election law,
- 9 1954 PA 116, MCL 168.1 to 168.992.
- 10 (4) "Nonpublic school" means a private, denominational, or
- 11 parochial school.
- 12 (5) "Objectives" means measurable pupil academic skills and
- 13 knowledge.
- 14 (6) "Opioid antagonist" means naloxone hydrochloride or any
- 15 other similarly acting and equally safe drug approved by the United
- 16 States Food and Drug Administration for the treatment of drug
- 17 overdose.
- 18 (7) "Opioid-related overdose" means a condition, including,
- 19 but not limited to, extreme physical illness, decreased level of
- 20 consciousness, respiratory depression, coma, or death, that results
- 21 from the consumption or use of an opioid or another substance with
- 22 which an opioid was combined or that an individual who has received
- 23 training approved by a licensed registered professional nurse in
- 24 the administration of an opioid antagonist would believe to be an
- 25 opioid-related overdose that requires medical assistance.
- **26 (6) (8)** "Public school" means a public elementary or secondary
- 27 educational entity or agency that is established under this act or
- 28 under other law of this state, has as its primary mission the
- 29 teaching and learning of academic and vocational-technical skills

- 1 and knowledge, and is operated by a school district, intermediate
- 2 school district, school of excellence corporation, public school
- 3 academy corporation, strict discipline academy corporation, urban
- 4 high school academy corporation, or by the department, the state
- 5 board, or another public body. Public school also includes a
- 6 laboratory school or other elementary or secondary school that is
- 7 controlled and operated by a state public university described in
- 8 section 4, 5, or 6 of article VIII of the state constitution of
- **9** 1963.
- 10 (7) (9) "Public school academy" means a public school academy
- 11 established under part 6a and, except as used in part 6a, also
- 12 includes an urban high school academy established under part 6c, a
- 13 school of excellence established under part 6e, and a strict
- 14 discipline academy established under sections 1311b to 1311m.
- 15 (8) (10) "Pupil membership count day" of a school district
- 16 means that term as defined in section 6 of the state school aid act
- **17** of 1979, MCL 388.1606.
- 18 (9) (11) "Qualifying school district" means a school district
- 19 that was previously organized and operated as a first class school
- 20 district governed by part 6 that has a pupil membership of less
- 21 than 100,000 enrolled on its most recent pupil membership count
- 22 day, including, but not limited to, a school district that was
- 23 previously organized and operated as a first class school district
- 24 before June 21, 2016.
- 25 (10) (12) "Regular school election" or "regular election"
- 26 means the election held in a school district, local act school
- 27 district, or intermediate school district to elect a school board
- 28 member in the regular course of the terms of that office and held
- 29 on the school district's regular election date as determined under

- 1 section 642c of the Michigan election law, MCL 168.642c.
- 2 (11) (13)—"Reorganized intermediate school district" means an
- 3 intermediate school district formed by consolidation or annexation
- 4 of 2 or more intermediate school districts under sections 701 and
- **5** 702.
- 6 (12) (14) "Rule" means a rule promulgated under the
- 7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
- **8** 24.328.
- 9 Sec. 1178. (1) Subject to subsection (2), a school
- 10 administrator, teacher, or other school employee designated by the
- 11 school administrator, who in good faith administers medication to a
- 12 pupil in the presence of another adult or in an emergency that
- 13 threatens the life or health of the pupil, pursuant to written
- 14 permission of the pupil's parent or guardian, and in compliance
- 15 with the instructions of a physician, physician's assistant, or
- 16 certified nurse practitioner, or a school employee who in good
- 17 faith administers an epinephrine auto-injector to an individual
- 18 consistent with the policies under section 1179a, or in good faith
- 19 administers an opioid antagonist to an individual consistent with
- 20 the policies under section 1179b, is not liable in a criminal
- 21 action or for civil damages as a result of an act or omission in
- 22 the administration of the medication or epinephrine auto-
- 23 injector, or opioid antagonist, except for an act or omission
- 24 amounting to gross negligence or willful and wanton misconduct.
- 25 (2) If a school employee is a licensed registered professional
- 26 nurse, subsection (1) applies to that school employee regardless of
- 27 whether the medication , or epinephrine auto-injector , or opioid
- 28 antagonist is administered in the presence of another adult.
- 29 (3) A school district, nonpublic school, member of a school

- 1 board, or director or officer of a nonpublic school is not liable
- 2 for damages in a civil action for injury, death, or loss to person
- 3 or property allegedly arising from a person acting under this
- 4 section.
- 5 Enacting section 1. Section 1179b of the revised school code,
- 6 1976 PA 451, MCL 380.1179b, is repealed.
- 7 Enacting section 2. This amendatory act takes effect 90 days
- 8 after the date it is enacted into law.
- 9 Enacting section 3. This amendatory act does not take effect
- 10 unless all of the following bills of the 100th Legislature are
- 11 enacted into law:
- 12 (a) Senate Bill No. 200.
- 13 (b) House Bill No. 4367.