



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 29
[2017 January Special Session
Assembly Bill 1]

**Opioid Antagonist
Administration in Schools and
Institutions of Higher Education**

BACKGROUND

Current law specifies when nonprescription drug products and prescription drugs may be administered by a school bus operator, any employee or volunteer of a school, county children with disabilities education board (CCDEB), or cooperative educational service agency (CESA) that is authorized in writing by the school, CCDEB, or CESA administrator, respectively, or by a school principal, any private school employee or volunteer authorized in writing by a private school administrator or private school principal, and any tribal school employee or volunteer authorized in writing by a tribal school administrator or tribal school principal (hereinafter, collectively referred to as “school bus operator, employee, or volunteer”).

For example, a school bus operator, employee, or volunteer may use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction or administer glucagon to any pupil who the school bus driver, employee, or volunteer knows is diabetic and appears to be experiencing a severe low blood sugar event with altered consciousness, if:

- As soon as practicable, the school bus operator, employee or volunteer reports the allergic reaction by dialing the telephone number “911” or, in an area in which the telephone number “911” is not available, the telephone number for an emergency medical service provider.
- The school bus operator, employee, or volunteer has received training, approved by the Department of Public Instruction (DPI), in administering the epinephrine or glucagon. The training does not need to be completed by a school bus operator that

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

transports only pupils enrolled in a private school or an employee or volunteer of a private school.

Under current law, a school bus driver, employee, or volunteer is immune from civil liability for his or her acts or omissions in administering the epinephrine or glucagon unless the act constitutes a high degree of negligence¹ or is in violation of the training requirement. This immunity does not apply to health care professionals.

Current law also provides that any school district administrator, CCDEB administrator, CESA administrator, public, private or tribal school principal, or private or tribal school administrator who authorizes an employee or volunteer to administer a nonprescription drug product or prescription drug to a pupil is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence or the administrator or principal authorizes a person who has not received the required training to administer the nonprescription drug product or prescription drug to a pupil.

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2017 Wisconsin Act 29 (the Act) exempts a school bus driver, employee, or volunteer from civil liability for his or her acts or omissions in the administration of an opioid antagonist² to a pupil or other person who appears to be undergoing an opioid-related drug overdose³ if, as soon as practicable, the school bus operator, employee, or volunteer reports the drug overdose by dialing the telephone number “911” or, in an area in which the telephone number “911” is not available, the telephone number for an emergency medical service provider. This immunity does not exempt a person from civil liability if his or her act or omission constitutes a high degree of negligence or he or she did not receive the required training approved by DPI.

The Act also authorizes a residence hall director employed by the University of Wisconsin (UW) System, a technical college district, or the governing body of a private nonprofit institution of higher education (private college) in Wisconsin, to administer an opioid antagonist to any student or other person who appears to be undergoing an opioid-related drug overdose if: (1) the residence hall director received training on the administration of the opioid antagonist that is approved by his or her employer; and (2) the residence hall director reports the overdose event by dialing the telephone number “911” or if the telephone number “911” is not available, the telephone number for an emergency medical service provider. The residence hall director is immune from civil liability for his or her acts or omissions in administering the opioid antagonist

¹ A “high degree of negligence” means criminal negligence, which means “ordinary negligence to a high degree, consisting of conduct that the actor should realize creates a substantial and unreasonable risk of death or great bodily harm to another.” [ss. 118.29 (1) (d) and 939.25 (1), Stats.]

² An “opioid antagonist” is defined in the bill to mean a drug, such as naloxone, that satisfies all of the following: (a) the drug binds to the opioid receptors and competes with or displaces opioid agonists at the opioid receptor site but does not activate the receptors, effectively blocking the receptor and preventing or reversing the effect of an opioid agonist; and (b) the drug is not a controlled substance.

³ An “opioid-related drug overdose” is defined in the bill to mean “a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.”

unless it constitutes a high degree of negligence. The Act also provides that an employer of a residence hall director (the UW System, a technical college district, or the governing body of a private nonprofit institution of high education in Wisconsin) who approves training for a residence hall director to administer an opioid antagonist, as described above, is immune from civil liability for the act of approving this training unless it constitutes a high degree of negligence.

Under the Act, the immunity from civil liability, described above does not apply to health care professionals.

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