



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 718**

January 11, 1996 - Offered by COMMITTEE ON EDUCATION.

1 **AN ACT to create** 118.45 of the statutes; **relating to:** alcohol testing of public
2 school students.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 118.45 of the statutes is created to read:

4 **118.45 Tests for alcohol use.** A school board employe or agent, or law
5 enforcement officer, as defined in s. 102.475 (8) (c), authorized by a public school
6 board may require a public school pupil, including a charter school pupil, to provide
7 one or more samples of his or her breath for the purpose of determining the presence
8 of alcohol in the pupil's breath whenever the authorized employe, agent or officer has
9 reasonable suspicion that the pupil is under the influence of alcohol while the pupil
10 is on the school premises, as defined in s. 125.09 (2) (a) 4. The authorized employe,
11 agent or officer shall use a breath screening device approved by the department of
12 transportation for the purpose of determining the presence of alcohol in a person's
13 breath to determine if alcohol is present in the pupil's breath. The results of the
14 breath screening device or the fact that a pupil refused to submit to breath testing

1 may be used in any hearing or proceeding regarding the suspension or expulsion of
2 a student due to alcohol use. No school board may require a pupil to provide one or
3 more samples of his or her breath for the purpose of determining the presence of
4 alcohol in the pupil's breath until the school board has adopted written policies
5 regarding disciplines that will result from being under the influence of alcohol while
6 on school premises or from refusing to submit to breath testing to determine the
7 presence of alcohol in the pupil's breath.

8 (END)