



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 239
[2013 Senate Bill 375]

**Administration of Epinephrine
to Students**

2013 Wisconsin Act 239 authorizes school boards to create plans for the administration of epinephrine to students.

Current Law

Under current law, certain school bus operators, school employees, and school volunteers who are authorized in writing by the administrator of the school district or by a school principal may use an epinephrine auto-injector to administer epinephrine to any student who appears to be experiencing a severe allergic reaction if, as soon as practicable, the school bus operator, employee, or volunteer reports the event by calling 911. Such a person must also receive training approved by the Department of Public Instruction in administering a prescription drug product that must be injected into a student.

Current law also permits a student to possess and use an epinephrine auto-injector while in school, at a school-sponsored activity, or under the supervision of a school authority if: (1) the student uses the epinephrine auto-injector to prevent the onset or alleviate the symptoms of an emergency situation; (2) the student has written approval of his or her physician and parent or guardian; and (3) the student has provided the principal with a copy of the approval.

Act 239

Act 239 permits the governing body of a school to adopt a plan for the management of students attending the school who have life-threatening allergies. If the governing body adopts such a plan, it must specify in the plan the training necessary to administer epinephrine. The governing body of a school may not adopt a plan unless it has been approved by a physician.

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>.

The Act permits a physician, an advanced practice nurse prescriber, or a physician assistant to prescribe epinephrine auto-injectors in the name of the school that has adopted a plan to be maintained for use, as set forth in the bill.

The governing body of a school that has adopted a plan may authorize a school nurse or designated school personnel to do any of the following on school premises or at a school-sponsored activity:

- Provide an epinephrine auto-injector to a pupil to self-administer in accordance with a prescription specific to the student that is on file with the school nurse.
- Administer an epinephrine auto-injector to a student in accordance with a prescription specific to the student that is on file with the school nurse.
- Administer an epinephrine auto-injector to a student or other person whom the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis in accordance with a standing protocol from a physician, an advanced practice nurse prescriber, or a physician assistant, regardless of whether the student or other person has a prescription.

If the student or other person to whom an epinephrine auto-injector is administered under the Act does not have a prescription for an epinephrine auto-injector, or the person who administers it does not know whether the pupil or other person has a prescription, the person who administers the epinephrine auto-injector must, as soon as practicable, report the administration by dialing "911."

The Act also specifies that the legislation does not prohibit a health care professional from acting within the scope of practice of the health care professional's license, certificate, permit, or registration

The Act also contains a provision to provide immunity from liability for certain injuries resulting from activities under the Act.

Finally, the Act provides that the authority to self-administer an epinephrine auto-injector or to administer an epinephrine auto-injector to a student who appears to be experiencing a severe allergic reaction are independent of the authority to administer an epinephrine auto-injector provided in the Act.

Effective date: Act 239 takes effect on April 10, 2014.

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