



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 375

Senate Amendments 1 and 2

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Contact: Anne Sappenfield, Principal Attorney (267-9485)

Senate Bill 375 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 students 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.

Senate Bill 375

Senate Bill 375 repeals current law authorizing certain school bus operators and school employees and volunteers to use an epinephrine auto-injector to administer epinephrine to any student who appears to be experiencing a severe allergic reaction.

The bill 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.

The bill 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.

The bill also contains a provision to provide immunity from liability for certain injuries resulting from activities under the bill and contains reporting requirements for schools.

Senate Amendment 1

Senate Amendment 1 deletes the provision of the bill repealing current law relating to administering epinephrine auto-injectors to any student who appears to be experiencing a severe allergic reaction. Therefore, under the amendment, authorized school bus operators, school employees, and school volunteers may use an epinephrine auto-injector to administer epinephrine to any student who appears to be experiencing a severe allergic reaction if they report the event by calling 911.

The amendment 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 bill.

Senate Amendment 2

Under Senate Amendment 2, if the pupil or other person to whom an epinephrine auto-injector is administered under the bill 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 amendment also provides that the bill 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.

Finally, the amendment deletes the requirement to report each incident that involved a severe allergic reaction or the administration of an epinephrine auto-injector to DPI and the requirement for DPI to annually publish a report that summarizes and analyzes all incident reports.

Bill History

Senate Amendments 1 and 2 were offered by Senator Vukmir. On January 22, 2014, the Senate adopted both amendments on voice votes and passed the bill, as amended, on a voice vote.

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