

State of Wisconsin



2005 Assembly Bill 1132

Date of enactment: **May 10, 2006**
Date of publication*: **May 24, 2006**

2005 WISCONSIN ACT 398

AN ACT *to renumber* 118.291 (1); *to renumber and amend* 118.291 (2); and *to create* 118.291 (1g) and 118.291 (2) (b) of the statutes; **relating to:** the possession and use of inhalers in private schools.

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

SECTION 1. 118.291 (1) of the statutes is renumbered 118.291 (1r).

SECTION 2. 118.291 (1g) of the statutes is created to read:

118.291 (1g) In this section:

(a) "Asthma" means a chronic inflammatory disease of the airways, characterized by airway obstruction, which is at least partially reversible and which manifests as increased bronchial responsiveness to a variety of stimuli.

(b) "School" includes a public and a private school.

SECTION 3. 118.291 (2) of the statutes is renumbered 118.291 (2) (a) and amended to read:

118.291 (2) (a) No school district, school board or school district employee is civilly liable for ~~damage~~ injury to a pupil caused by a school district employee who prohibits a pupil from using an inhaler because of the employee's good faith belief that the requirements of sub. ~~(1)~~ (1r) had not been satisfied or who allows a pupil to use an inhaler because of the employee's good faith belief that the requirements of sub. ~~(1)~~ (1r) had been satisfied.

SECTION 4. 118.291 (2) (b) of the statutes is created to read:

118.291 (2) (b) No private school or private school employee is civilly liable for injury to a pupil caused by a private school employee who prohibits a pupil from using an inhaler because of the employee's good faith belief that the requirements of sub. (1r) had not been satisfied or who allows a pupil to use an inhaler because of the employee's good faith belief that the requirements of sub. (1r) had been satisfied.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].