



## 1995 ENGROSSED ASSEMBLY BILL 718

February 2, 1996 - Printed by direction of SENATE CHIEF CLERK.

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

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*Analysis by the Legislative Reference Bureau*

***Engrossment information:***

The text of Engrossed 1995 Assembly Bill 718, adopted in the Assembly on February 1, 1996, consists of the following documents adopted in the Assembly on February 1, 1996: Assembly Substitute Amendment 1 as affected by Assembly Amendments 1, 2 and 3 and Assembly Amendment 5, (item 2 only).

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***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 in any of the circumstances listed in s. 125.09 (2) (b) 1. to 3. The authorized

**SECTION 1**

1 employe, agent or officer shall use a breath screening device approved by the  
2 department of transportation for the purpose of determining the presence of alcohol  
3 in a person's breath to determine if alcohol is present in the pupil's breath. The  
4 results of the breath screening device or the fact that a pupil refused to submit to  
5 breath testing shall be made available for use in any hearing or proceeding regarding  
6 the discipline, suspension or expulsion of a student due to alcohol use. No school  
7 board may require a pupil to provide one or more samples of his or her breath for the  
8 purpose of determining the presence of alcohol in the pupil's breath until the school  
9 board has adopted written policies regarding disciplines or treatments that will  
10 result from being under the influence of alcohol while on school premises or from  
11 refusing to submit to breath testing to determine the presence of alcohol in the pupil's  
12 breath.

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**(END)**