



1999 ASSEMBLY BILL 496

October 5, 1999 - Introduced by Representatives WALKER, KAUFERT, AINSWORTH, ALBERS, FREESE, GOETSCH, GUNDERSON, HAHN, HOVEN, HUNDERTMARK, JENSEN, JESKEWITZ, KEDZIE, KELSO, LADWIG, LA FAVE, M. LEHMAN, MUSSER, NASS, PETROWSKI, PLALE, SERATTI, STASKUNAS, STONE, SUDER, VRAKAS and ZIEGELBAUER, cosponsored by Senators DARLING, FARROW, A. LASEE, PANZER, ROESSLER, SCHULTZ and ZIEN. Referred to Committee on Children and Families.

- 1 **AN ACT to amend** 118.126 (1) (intro.), (a) and (b) and 118.126 (2) of the statutes;
2 **relating to:** information received by a school official regarding a pupil's use of
3 alcohol or other drugs.

Analysis by the Legislative Reference Bureau

Under current law, a school psychologist, counselor, social worker and nurse, and any teacher or administrator designated by a school board who engages in alcohol or drug abuse program activities, must keep confidential information received from a pupil that the pupil or another pupil is using alcohol or other drugs or is experiencing problems resulting from the use of alcohol or other drugs. There are three exceptions to this confidentiality requirement:

1. The pupil consents to disclosure.
2. The school employe has reason to believe that there is serious and imminent danger to the health, safety or life of any person and that disclosure of the information will alleviate the danger.
3. The information is required to be reported under the child abuse reporting law.

This bill requires a school psychologist, counselor, social worker, nurse, teacher or administrator to keep confidential information received while acting in his or her official capacity that a pupil is using alcohol or other drugs or is experiencing problems resulting from the use of alcohol or other drugs. The bill retains the three exceptions described above and provides that the second exception is satisfied if the school psychologist, counselor, social worker, nurse, teacher or administrator has

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reason to believe that a pupil about whom information is revealed possesses alcohol or drugs.

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

1 **SECTION 1.** 118.126 (1) (intro.), (a) and (b) of the statutes are amended to read:

2 118.126 (1) (intro.) A school psychologist, counselor, social worker and, nurse,
3 and any teacher or administrator designated by the school board who engages in
4 alcohol or drug abuse program activities, shall keep confidential information
5 received from a pupil while acting in his or her official capacity that the a pupil or
6 another pupil is using or is experiencing problems resulting from the use of alcohol
7 or other drugs unless one or more of the following apply:

8 (a) The pupil using or experiencing problems resulting from the use of alcohol
9 or other drugs consents in writing to disclosure of the information;

10 (b) The school psychologist, counselor, social worker, nurse, teacher or
11 administrator has reason to believe that there is serious and imminent danger to the
12 health, safety or life of any person and that disclosure of the information to another
13 person will alleviate the serious and imminent danger. If the school psychologist,
14 counselor, social worker, nurse, teacher or administrator has reason to believe that
15 a pupil about whom information is revealed possesses alcohol, a controlled
16 substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in
17 s. 961.01 (4m), that belief constitutes a belief that there is serious and imminent
18 danger to the health, safety or life of any person under this paragraph. No more
19 information than is required to alleviate the serious and imminent danger may be
20 disclosed; or,

21 **SECTION 2.** 118.126 (2) of the statutes is amended to read:

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1 118.126 (2) A school psychologist, counselor, social worker ~~or~~, nurse, ~~or any~~
2 teacher or administrator ~~designated by the school board who engages in alcohol or~~
3 ~~drug abuse program activities~~, who in good faith discloses or fails to disclose
4 information under sub. (1) is immune from civil liability for such acts or omissions.
5 This subsection does not apply to information required to be reported under s. 48.981.

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(END)