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

SECTION 1. 118.29 of the statutes is created to read:

118.29 Administration of drugs to pupils and emergency care. (1) DEFINITIONS. In this
section:

(a) "Administer" means the direct application of a drug or prescription drug, whether
by injection, ingestion or other means, to the human body.

(b) "Drug" has the meaning specified in s. 450.06.

(c) "Health care professional" means a person licensed as an ambulance attendant
under s. 146.50 or any person licensed, certified, permitted or registered under s. 146.35
or chs. 441 or 446 to 449.

(d) "High degree of negligence" means conduct which demonstrates ordinary negli-
gence to a high degree, consisting of an act which the person should realize creates a
situation of unreasonable risk and high probability of death or great bodily harm to
another.

(e) "Practitioner" means any physician, dentist or podiatrist licensed in this state.

(f) "Prescription drug" has the meaning specified in s. 450.07 (1) (a).

(g) "Private school" has the meaning specified in s. 121.51 (3).

(2) AUTHORITY TO ADMINISTER DRUGS; CIVIL LIABILITY EXEMPTION. (a) Notwithstanding chs. 441, 447, 448 and 450, a school bus operator licensed under s. 343.12, any school employe or volunteer, county handicapped children's education board employe or vol-
unteer or cooperative educational service agency employe or volunteer authorized in
writing by the administrator of the school district, the board or the agency, respectively,
or by a school principal, and any private school employe or volunteer authorized in
writing by a private school administrator or private school principal:

1. May administer any drug which may lawfully be sold over the counter without a
prescription to a pupil in compliance with the written instructions of the pupil's parent or
guardian if the pupil's parent or guardian consents in writing.

2. May administer a prescription drug to a pupil in compliance with the written in-
structions of a practitioner if the pupil's parent or guardian consents in writing.
3. Is immune from civil liability for his or her acts or omissions in administering a
drug or prescription drug to a pupil under subd. 1 or 2 unless the act or omission consti-
tutes a high degree of negligence. This subdivision does not apply to health care
professionals.

(b) Any school district administrator, county handicapped children’s education board
administrator, cooperative educational service agency administrator, public or private
school principal or private school administrator who authorizes an employe or volunteer
to administer a drug or prescription drug to a pupil under par. (a) is immune from civil
liability for the act of authorization unless it constitutes a high degree of negligence.

(3) **Emergency Care; Civil Liability Exemption.** Any school bus operator licensed
under s. 343.12 and any public or private school employe or volunteer, county handi-
capped children’s education board employe or volunteer or cooperative educational ser-
vice agency employe or volunteer, other than a health care professional, who in good
faith renders emergency care to a pupil of a public or private school is immune from civil
liability for his or her acts or omissions in rendering such emergency care. The immunity
from civil liability provided under this subsection is in addition to and not in lieu of that
provided under s. 895.48.

(4) **Written Policies.** Any school board, county handicapped children’s education
board, cooperative educational service agency or governing body of a private school
whose employes or volunteers may be authorized to administer drugs or prescription
drugs to pupils under this section shall adopt a written policy governing the administra-
tion of drugs and prescription drugs to pupils. The policy shall include procedures for
obtaining and filing in the school or other appropriate facility the written instructions
and consent required under sub. (2) (a), for the periodic review of such written instruc-
tions, for the storing of drugs and prescription drugs, for record keeping and for the
appropriate instruction of persons who may be authorized to administer drugs or pre-
scription drugs to pupils under this section.

(5) **Exemption.** No employe except a health care professional may be required to
administer a drug or prescription drug to a pupil under this section by any means other
than ingestion.