

State of Wisconsin



1997 Assembly Bill 783

Date of enactment: **April 13, 1998**
Date of publication*: **April 27, 1998**

1997 WISCONSIN ACT 77

AN ACT *to amend* 119.04 (1); and *to create* 118.291 of the statutes; **relating to:** allowing pupils to possess and use metered dose and dry powder inhalers.

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

SECTION 1. 118.291 of the statutes is created to read:

118.291 Asthmatic pupils; possession and use of inhalers. (1) While in school, at a school-sponsored activity or under the supervision of a school authority, an asthmatic pupil may possess and use a metered dose inhaler or dry powder inhaler if all of the following are true:

(a) The pupil uses the inhaler before exercise to prevent the onset of asthmatic symptoms or uses the inhaler to alleviate asthmatic symptoms.

(b) The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the pupil's parent or guardian.

(c) The pupil has provided the school principal with a copy of the approval or approvals under par. (b).

(2) No school district, school board or school district employe is civilly liable for damage to a pupil caused by a school district employe who prohibits a pupil from using an inhaler because of the employe's good faith belief

that the requirements of sub. (1) had not been satisfied or who allows a pupil to use an inhaler because of the employe's good faith belief that the requirements of sub. (1) had been satisfied.

SECTION 2. 119.04 (1) of the statutes, as affected by [1997 Wisconsin Act 27](#), is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, [118.291](#), 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (24), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

SECTION 3. Effective date.

(1) This act takes effect on September 1, 1999.

* Section 991.11, WISCONSIN STATUTES 1995-96: 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].