



1997 SENATE BILL 445

February 5, 1998 - Introduced by Senators C. POTTER, BURKE, RUDE, CHVALA and GROBSCHMIDT, cosponsored by Representatives JENSEN, HARS DORF, KUNICKI, DUFF and WARD. Referred to Committee on Education.

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

Analysis by the Legislative Reference Bureau

This bill permits an asthmatic pupil, while in school, to possess and use a metered dose inhaler or dry powder inhaler if the pupil uses the inhaler before exercise to prevent the onset of asthmatic symptoms or uses the inhaler to alleviate asthmatic symptoms. The bill also requires the pupil to obtain 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, and to provide the school principal with copy of the approval or approvals. Finally, no school district, school board or school district employe is civilly liable for damage to any person caused by acts or omissions under this bill.

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

4 **SECTION 1.** 118.291 of the statutes is created to read:
5 **118.291 Asthmatic pupils; possession and use of inhalers.** (1) While in
6 school, an asthmatic pupil may possess and use a metered dose inhaler or dry powder
7 inhaler if all of the following are true:

SENATE BILL 445**SECTION 1**

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

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

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

7 **(2)** No school district, school board or school district employe is civilly liable for
8 damage to any person caused by acts or omissions under this section.

9 **SECTION 2.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is
10 amended to read:

11 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
12 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
13 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to
14 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20,
15 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to
16 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (24), 120.125, 120.13 (1), (2) (b)
17 to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class
18 city school district and board.

19 **SECTION 3. Effective date.**

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

21 (END)