#### Bill

Received: 01/18/2001					Received by. Reimeda					
Wanted:	As time permi	ts			Identical to LRB:					
For: Car	For: Carol Roessler (608) 266-5300				By/Representing: §	Sara Jermsta	d (aide)			
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#### Bill

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Wanted: As time permits				Identical to LRB:					
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Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Sara Jermstad (aide)

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject:

**Health - AIDS** 

Extra Copies:

ISR, PG, MJL

Pre Topic:

No specific pre topic given

Topic:

Permit employees of school districts to require HIV testing of students' blood

**Instructions:** 

See Attached

**Drafting History:** 

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Received: 01/18/2001	Received By: kenneda
Wanted: As time permits	Identical to LRB:
For: Carol Roessler (608) 266-5300	By/Representing: Sara Jermstad (aide)
This file may be shown to any legislator: NO	Drafter: kenneda
May Contact:	Addl. Drafters:
Subject: <b>Health - AIDS</b>	Extra Copies: ISR, PG, MJL
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Permit employees of school districts to require	HIV testing of students' blood
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215 South Eagle Street - P. O. Box 3048 - Oshkosh WI 54903



Ronald A. Heilmann, Jr., Ed.D. Superintendent of Schools 920-424-0160

FAX: 920-424-0466

January 5, 2001

John W. Sprangers Director of Human Resources 920-424-0124

FAX: 920-303-4396

JAN 05 2001

Senator Carol Roessler 18<sup>th</sup> Senatorial District P. O. Box 7882 Madison, WI 53707-7882

Dear Senator Roessler:

In the Oshkosh Area School District, we have experienced several incidents involving staff members who have been exposed to students' blood while on the job.

When this occurs, we have found, much to our dismay, that state statutes provide no recourse for school district employees to subject the blood to a test to determine the presence of acquired immune deficiency syndrome (HIV). The statutes provide a right to require testing on behalf of many other specified staff. However, there is no similar opportunity for school district employees, who often encounter blood in the course of their employment. We strongly believe that this statutory gap in protection must be addressed.

We are referring specifically to Sections 252.15(1)(ab) and 252.15(2)(a)(7)a of the Wisconsin Statutes. We request that words to the effect that "all individuals employed by school districts" be added to the list of those positions eligible to require testing. This change allows school district employees to discover whether the blood in question reveals the presence of HIV. The peace of mind such information will provide school district employees is immeasurable.

If you have any questions, please feel free to contact me.

Sincerely,

Director of Human Resources

JS:db

cc:

Oshkosh Education Association

Dr. Ronald Heilmann, Superintendent

charter School

# **Bill Request Form**

# Legislative Reference Bureau 100 N. Hamilton Street

Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

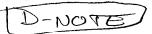
Use this form only for bill draft requests. Attach more pages if necessary.

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Person submitting req	uest (name and p	hone number)	Sava	Termstad	6-5300
Persons to contact for					
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Please attach a copy statute sections that r	of any correspond inight be affected,	dence or other list them or pro	material that i	may help us. If you	ou know of any
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## State of Misconsin 2001 - 2002 LEGISLATURE



LRB-2130/7 DAK.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

acquired immunodeficiency syndrome

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AN ACT ...; relating to: authorizing an employee of a school district to subject an

individual's blood to a test for the presence of the virus that causes MIN.

Analysis by the Legislative Reference Bureau

Under current law, specified persons who meet certain requirements and are significantly exposed (that is, who sustain a contact which carries a potential for transmission of human immunodeficiency virus, the virus that causes (ALLIUS), are authorized to subject the blood of the individual to whom they were exposed to a test for the presence of human immunodeficiency virus (HIV) and to receive disclosure These persons, include, under specified circumstances, of the test results. emergency medical technicians; first responders; fire fighters; peace officers; correctional officers; persons employed at a secured correctional facility, secured child caring institution, or secured group home; state patrol officers; jailers or \* keepers of jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

This bill permits employees of a school district, who are significantly exposed to HIV and who meet specified requirements, to subject the blood of the individual to whom they are exposed to a test for the presence of HIV.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 252.15 (1) (ab) of the statutes is amended to read:

252.15 (1) (ab) "Affected person" means an emergency medical technician, first responder, fire fighter, peace officer, correctional officer, person who is employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or, keeper of a jail or person designated with custodial authority by the jailer or keeper, health care provider, employee of a health care provider or, staff member of a state crime laboratory; or employee of a school district.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; s. 13.93 (2) (c).

SECTION 2. 252.15 (2) (a) 7. a. of the statutes is amended to read:

emergency medical technician, if first responder, if fire fighter, is peace officer, is correctional officer, is person who is employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), is state patrol officer, jailer or, keeper of a jail or person designated with custodial authority by the jailer or keeper who, during the course of providing care or services to an individual; or a peace officer, correctional officer, state patrol officer, jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper who, while searching or arresting an individual or while controlling or transferring an individual in custody;

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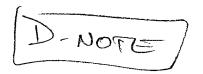
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or a health care provider or an employee of a health care provider who, during the course of providing care or treatment to an individual or handling or processing specimens of body fluids or tissues of an individual; or a staff member of a state crime laboratory who, during the course of handling or processing specimens of body fluids or tissues of an individual; or an employee of a school district; who is significantly exposed to the individual may subject the individual's blood to a test or a series of tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and may receive disclosure of the results.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; s. 13.93 (2) (c).

(END)



# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

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#### To Senator Roessler:

Besides employes of school districts, would you want to include in the draft employees of cooperative educational service agencies (CESAs), charter schools, private schools, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired?

Debora A. Kennedy Managing Attorney Phone: (608) 266–0137

 $\hbox{E--mail: debora.} kennedy @ legis.state.wi.us$ 

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2130/P1dn DAK:jld:pg

March 8, 2001

#### To Senator Roessler:

Besides employees of school districts, would you want to include in the draft employees of cooperative educational service agencies (CESAs), charter schools, private schools, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired?

Debora A. Kennedy Managing Attorney Phone: (608) 266–0137

E-mail: debora.kennedy@legis.state.wi.us

## STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU** – LEGAL SECTION (608–266–3561)

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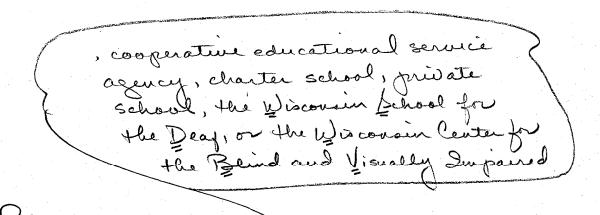
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## State of Misconsin 2001 - 2002 LEGISLATURE

LRB-2130/駐 I DAK:jld:pg

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



AN ACT to amend 252.15 (1) (ab) and 252.15 (2) (a) 7. a. of the statutes; relating

to: authorizing an employee of a school district to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

## Analysis by the Legislative Reference Bureau

Under current law, specified persons who meet certain requirements and are significantly exposed (that is, who sustain a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome), are authorized to subject the blood of the individual to whom they were exposed to a test for the presence of human immunodeficiency virus (HIV) and to receive disclosure of the test results. These persons, include, under specified circumstances, emergency medical technicians; first responders; fire fighters; peace officers; correctional officers; persons employed at a secured correctional facility, secured child caring institution, or secured group home; state patrol officers; jailers of keepers or jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

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School, Private School, the Wisconsin School for the Deat or

This bill permits employees of a school district, who are significantly exposed

to HIV and who meet specified requirements, to subject the blood of the individual
to whom they are exposed to a test for the presence of HIV.

For further information see the **state and local** fiscal estimate, which will be

printed as an appendix to this bill.

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

**SECTION 1.** 252.15 (1) (ab) of the statutes is amended to read:

252.15 (1) (ab) "Affected person" means an emergency medical technician; first responder; fire fighter; peace officer; correctional officer; person who is employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer; jailer er, keeper of a jail or person designated with custodial authority by the jailer or keeper; health care provider; employee of a school district.

**SECTION 2.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an emergency medical technician; first responder; fire fighter; peace officer; correctional officer; person who is employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer; jailer or keeper of a jail, or person designated with custodial authority by the jailer or keeper who, during the course of providing care or services to an individual; or person designated with custodial authority by the jailer or keeper of a jail, or person designated with custodial authority by the jailer or keeper who, while

Visually Impaired

Private School, the Wisconson School for the

searching or arresting an individual or while controlling or transferring an individual in custody; er a health care provider or an employee of a health care provider who, during the course of providing care or treatment to an individual or handling or processing specimens of body fluids or tissues of an individual; er a staff member of a state crime laboratory who, during the course of handling or processing specimens of body fluids or tissues of an individual; or an employee of a school district; who is significantly exposed to the individual may subject the individual's blood to a test or a series of tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and may receive disclosure of the results.

(END)

charter school, printe school, the Wiscommin School for the Deaf, or the Wiscomm Center



STEPHEN R. MILLER

## I FGISLATIVE DEFEDENCE BUIDEAU

## LEGISLATIVE REFERENCE BUREAU

State of Misconsin

100 NORTH HAMILTON STREET 5TH FLOOR MADISON, WI 53701-2037

LEGAL SECTION: LEGAL FAX: (608) 266-3561 (608) 264-6948

March 12, 2001

#### **MEMORANDUM**

To:

Senator Roessler

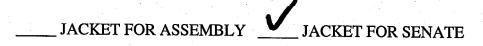
From:

Debora A. Kennedy, Managing Attorney

Re:

LRB-2130 Permit employees of school districts to require HIV testing of students' blood

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.



If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0137 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

#### Barman, Mike

From: Barman, Mike

Sent: Wednesday, May 23, 2001 11:26 AM

To: Sen.Roessler

Subject: LRB-2130/1 (attached - requested by Sara)

#### Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561) (E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin Legislative Reference Bureau – Legal Section – Front Office 100 N. Hamilton Street – 5th Floor Madison, WI 53703

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# 2001 – 2002 **LEGISLATURE**

LRB-2130/₺2 DAK:jld:pg

#### 2001 BILL



AN ACT to amend 252.15 (1) (ab) and 252.15 (2) (a) 7. a. of the statutes; relating

to: authorizing an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

## Analysis by the Legislative Reference Bureau

Under current law, specified persons who meet certain requirements and are significantly exposed (that is, who sustain a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome), are authorized to subject the blood of the individual to whom they were exposed to a test for the presence of human immunodeficiency virus (HIV) and to receive disclosure of the test results. These persons, include, under specified circumstances, emergency medical technicians; first responders; fire fighters; peace officers; correctional officers; persons employed at a secured correctional facility, secured child caring institution, or secured group home; state patrol officers; jailers or keepers of jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a

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physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

This bill permits employees of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired who/are significantly exposed to hand who meet specified requirements, to subject the blood of the individual to whom they are exposed to a test for the presence of HIV.

For further information see the state and local fiscal estimate, which will be

printed as an appendix to this bill.

The individual

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

SECTION 1. 252.15 (1) (ab) of the statutes is amended to read:

252.15(1) (ab) "Affected person" means an emergency medical technician; first responder; fire fighter; peace officer; correctional officer; person who is employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer; jailer or, keeper of a jail, or person designated with custodial authority by the jailer or keeper; health care provider; employee of a health care provider or; staff member of a state crime laboratory; or employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired.

SECTION 2. 252.15 (2) (a) 7. a. of the statutes is amended to read:

252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an emergency medical technician; first responder; fire fighter; peace officer; correctional officer; person who is employed at a secured correctional facility, as **BILL** 

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defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer; jailer or, keeper of a jail, or person designated with custodial authority by the jailer or keeper who, during the course of providing care or services to an individual; or a peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or person designated with custodial authority by the jailer or keeper who, while searching or arresting an individual or while controlling or transferring an individual in custody; er a health care provider or an employee of a health care provider who, during the course of providing care or treatment to an individual or handling or processing specimens of body fluids or tissues of an individual; or a staff member of a state crime laboratory who, during the course of handling or processing specimens of body fluids or tissues of an individual; or an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired: who is significantly exposed to the individual may subject the individual's blood to a test or à series of tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and may receive disclosure of the results.

(END)

products of HI

## Emery, Lynn

Emery, Lynn Friday, May 25, 2001 11:14 AM Jermstad, Sara LRB-2130(attach)

From: Sent: To: Subject:

