

**2005 DRAFTING REQUEST**

**Bill**

Received: **01/13/2006**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **David Ward (608) 266-3790**

By/Representing: **Charlene Rodriguez**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous  
Education - school boards**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Ward@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Asthmatic pupils; use of inhalers

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/13/2006	jdyer 01/24/2006		_____			
/1			jfrantze 01/25/2006	_____	lemery 01/25/2006	mbarman 02/02/2006	

FE Sent For:

<END>

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/?	pgrant	1/24 jld	7/24	2/19 1/25			

FE Sent For:

<END>

## Kennedy, Debora

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**From:** Rodriguez, Charlene  
**Sent:** Friday, January 13, 2006 1:25 PM  
**To:** Kennedy, Debora  
**Subject:** Rep. Ward Drafting Request: Inhaler legislation  
**Importance:** High

Dear Ms. Kennedy,

If you could please draft the following legislation for Rep. Ward, it would be much appreciated! If you have any questions, feel free to contact me or contact Randy Radtke with the American Lung Association at 920-648-2334. If you do need to contact Randy, the aforementioned number is his other place of business (The Lake Mills Leader).

Thank you very much for your time and work on this.

Sincerely,

Char Rodriguez

Charlene Rodriguez  
Assistant to Rep. David Ward  
Vice-Chair, Joint Committee on Finance  
P.O. Box 8953  
Madison, WI 53708  
tel: 608-266-3791  
fax: 608-282-3637

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**From:** rjenterprizes [mailto:rjenter@charter.net]  
**Sent:** Friday, January 13, 2006 9:19 AM  
**To:** Rodriguez, Charlene  
**Cc:** Rep.Ward  
**Subject:** Inhaler legislation bill draft  
**Importance:** High

Dear Char,

First off, please tell Dave one more time "**Thank you!**" on behalf of the American Lung Association for agreeing to do this legislative bill draft at their request.

Hopefully, the bill draft will do two things:

1. Define asthma as:

*A chronic inflammatory disease of the airways characterized by airway obstruction, which is at least partially reversible with or without medication and manifests as increased bronchial responsiveness to a variety of stimuli.*

**Note: This is the CDC's definition.**

2. Extend WS 118.291, which currently applies to asthmatic students with inhalers in public schools, to asthmatic students with inhalers in private and parochial schools.

01/13/2006

**Note: I do NOT have a read yet from the WCRIS on how they feel about this extension.**

Please call me regarding receipt of this email at 920-648-8248 or 920-988-1203.

Again, thank you!

Randy Radtke  
ALA/W Lobbyist

P.S. Anything new on that WNA draft we've been trying to get done.

2005

Date (time) needed

FRI

LRB - 4402, 1

PK: jw:

BILL

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to: the use of whalers in private schools.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

- If titles are needed in the analysis, in the component bar: For the main heading, execute: create -> anal: -> title: -> head For the subheading, execute: create -> anal: -> title: -> sub For the sub-subheading, execute: create -> anal: -> title: -> sub-sub For the analysis text, in the component bar: For the text paragraph, execute: create -> anal: -> text

(attached)

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

SECTION #.



## Analysis

Under current law, an asthmatic pupil enrolled in a public school may possess and use an ~~metered-dose~~ inhaler ~~in~~ ~~the~~ ~~school~~ ~~at~~ ~~a~~ ~~school-sponsored~~ activity, ~~or~~ under the supervision of a school authority, if:

(NO) 1) the pupil uses the inhaler before exercise ~~or~~ to alleviate asthmatic symptoms;

(NO) 2) the pupil has the written approval of the pupil's physician ~~and~~ ~~his~~ ~~or~~ ~~her~~ parents; ~~and~~

(NO) 3) the pupil has provided the school principal with a copy of the approval ~~or~~ approvals.

Current law also exempts a school district, school board, and school employee from civil liability for <sup>for</sup> ~~injury~~ injury to a <sup>pupil</sup> pupil caused by <sup>an</sup> an employee who prohibits a pupil from using an inhaler because of the employee's good faith belief that the <sup>above</sup> above requirements were not <sup>satisfied</sup> satisfied <sup>or who</sup> or who allows a pupil to use an inhaler because of the employee's good faith belief that ~~that~~ the <sup>above</sup> above requirements <sup>had</sup> had been satisfied.

This bill extends all of the <sup>above</sup> above provisions to ~~public~~ private schools, ~~and~~ pupils enrolled in private schools, and private school employees.



SEC. RC, 118.291(1); <sup>u</sup> 118.291(1r)

SEC. CR. 118.291(1g)<sup>v</sup>

118.291(1g) In this section:

¶ (a) "Asthma" means a chronic inflammatory disease of the airways, characterized by airway obstruction, which is at least partially reversible ~~with~~<sup>e</sup> and ~~one~~

which manifests as increased bronchial responsiveness to a variety of stimuli.

letter ¶ (b) "School" includes <sup>a</sup> public and ~~one~~ a private school.

Section #. 118.291 of the statutes is amended to read:

renumbered 118.291(2)(a) and

**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 employee is civilly liable for <sup>injury</sup> damage to a pupil caused by a school district employee who prohibits a pupil from using an inhaler because of the employee'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 employee's good faith belief that the requirements of sub. (1) had been satisfied.

History: 1997 a. 77.

Section #. 118.291 (2) of the statutes

118.291 (2) No school district, school board or school district employee is civilly liable for damage to a pupil caused by a school district employee who prohibits a pupil from using an inhaler because of the employee'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 employee's good faith belief that the requirements of sub. (1) had been satisfied.

History: 1997 a. 77.

(End) ✓

**Barman, Mike**

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**From:** Rodriguez, Charlene  
**Sent:** Thursday, February 02, 2006 11:56 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 05-4407/1 Topic: Asthmatic pupils; use of inhalers

Please Jacket LRB 05-4407/1 for the ASSEMBLY.