SENATE BILL 204 (LRB -2878)

An Act to amend 119.04 (1); and to create 118.292 of the statutes; relating to: allowing certain pupils to possess and use an epinephrine auto-injector.

2011

09-27.	S.	Introduced by Senators **Galloway**, **Harsdorf**, **Schultz**, **Cowles**, **Moulton**, **Vinehout** and **Taylor**; cosponsored by Representatives **Strachota**, **Severson**, **Pridemore**, **Petryk**, **Jacque**, **Steineke**, **Kaufert**, **Brooks**, **Ripp**, **Bies**, **Ballweg**, **Rivard**, **Marklein**, **Endsley**, **Molepske Jr** and **Bewley**.	
09-27.	S.	Read first time and referred to committee on Public Health, Human Services, and Revenue	466
09-27.	S.	Senator Olsen added as a coauthor	466
10-04.	S.	Public hearing held.	
10-20.	S.	Executive action taken.	
10-21.	S.	Report passage recommended by committee on Public Health, Human Services, and Revenue, Ayes 5, Noes 0	522
10-21.	S.	Available for scheduling.	
10-26.	S.	Placed on calendar 10-27-2011 pursuant to Senate Rule 18(1)	540
10-27.	S.	Read a second time	549
10-27.	S.	Ordered to a third reading	549
10-27.	S.	Rules suspended	549
X 10-27.	S.	Read a third time and **passed**	549
10-27.	S.	Ordered immediately messaged	549
10-28.	A.	Received from Senate	626
11-01.	A.	Read first time and referred to calendar 11-3-2011	633
11-03.	A.	Read a second time.	
11-03.	A.	Assembly amendment 1 offered by Representatives Pasch, C. Taylor, E. Coggs and Bernard Schaber **(LRB a1990)**.	
11-03.	A.	Assembly amendment 1 laid on table, Ayes 56, Noes 38.	
11-03.	A.	Ordered to a third reading.	
11-03.	A.	Rules suspended.	
✓ 11-03.	A.	Read a third time and **concurred in**, Ayes 88, Noes 5, Paired 2.	
11-03.	A.	Ordered immediately messaged.	
11-04.	S.	Received from Assembly concurred in.	

JP

2011
ENROLLED BILL

11en S B-204

ADOPTED DOCUMENTS:

☑ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **11** 2878 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

11-4-11
Date

Jean F. Knepp
Enrolling Drafter

State of Wisconsin
2011 – 2012 LEGISLATURE

LRB–2878/1
PG:kjf:rs

2011 SENATE BILL 204

September 27, 2011 – Introduced by Senators GALLOWAY, HARSDORF, SCHULTZ, COWLES, MOULTON, VINEHOUT and TAYLOR, cosponsored by Representatives STRACHOTA, SEVERSON, PRIDEMORE, PETRYK, JACQUE, STEINEKE, KAUFERT, BROOKS, RIPP, BIES, BALLWEG, RIVARD, MARKLEIN, ENDSLEY, MOLEPSKE JR and BEWLEY. Referred to Committee on Public Health, Human Services, and Revenue.

AN ACT *to amend* 119.04 (1); and *to create* 118.292 of the statutes; **relating to:** allowing certain pupils to possess and use an epinephrine auto–injector.

Analysis by the Legislative Reference Bureau

This bill permits a pupil, while in school, at a school–sponsored activity, or under the supervision of a school authority, to possess and use an epinephrine auto–injector if the pupil uses the injector to prevent the onset or alleviate the symptoms of an emergency situation. An emergency situation is a situation in which a pupil reasonably believes that he or she is experiencing a severe allergic reaction, including anaphylaxis, that requires the administration of epinephrine to avoid severe injury or death.

The bill 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 a copy of the approval or approvals. Finally, no public, private, or tribal school; public, private, or tribal school employee; or school district or school board is civilly liable for an injury incurred by a pupil as a result of using an epinephrine auto–injector or by a person as a result of a pupil possessing or using an epinephrine auto–injector.

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

SECTION 1. 118.292 of the statutes is created to read:

1 **118.292 Possession and use of epinephrine auto–injectors. (1g)** In this
2 section:
3 (a) "Emergency situation" means a situation in which a pupil reasonably
4 believes that he or she is experiencing a severe allergic reaction, including
5 anaphylaxis, that requires the administration of epinephrine to avoid severe injury
6 or death.
7 (b) "Epinephrine auto–injector" means a device used for the automatic injection
8 of epinephrine into the human body to prevent or treat a life–threatening allergic
9 reaction.
10 (c) "School" includes a public, private, and tribal school.
11 **(1r)** While in school, at a school–sponsored activity or under the supervision
12 of a school authority, a pupil may possess and use an epinephrine auto–injector if all
13 of the following are true:
14 (a) The pupil uses the epinephrine auto–injector to prevent the onset or
15 alleviate the symptoms of an emergency situation.
16 (b) The pupil has the written approval of the pupil's physician and, if the pupil
17 is a minor, the written approval of the pupil's parent or guardian.
18 (c) The pupil has provided the school principal with a copy of the approval or
19 approvals under par. (b).
20 **(2)** No school board, school district, private school, or tribal school, or any
21 employee of the foregoing, is civilly liable for an injury incurred by any of the
22 following:
23 (a) A pupil as a result of using an epinephrine auto–injector under sub. (1r).
24 (b) Any person as a result of a pupil possessing or using an epinephrine
25 auto–injector under sub. (1r).

1 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and
2 32, is amended to read:
3 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
4 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
5 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,
6 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
7 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24
8 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, <u>118.292,</u> 118.30
9 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,
10 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),
11 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and
12 board.
13 **(END)**