

 $\mathbf{2}$

State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 416

December 3, 2013 – Introduced by Senators Olsen and Gudex, cosponsored by Representatives Pasch, A. Ott, Berceau, Billings, T. Larson and Ohnstad. Referred to Committee on Education.

1 AN ACT *to create* 118.292 (1v) and 118.292 (2) (c) of the statutes; **relating to:** a

pupil's possession and use of an epinephrine auto-injector.

Analysis by the Legislative Reference Bureau

Under current law, a pupil may possess and use an epinephrine auto-injector while in a public, private, or tribal school, at a school-sponsored activity, or under the supervision of a school authority 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.

In order to possess and use an epinephrine auto-injector while in school, current law 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.

This bill requires the governing body of each school to adopt a written policy describing the procedure for a pupil's possession and use of an epinephrine auto-injector. The policy must require that school employees do the following:

- 1. Inform the pupil that if he or she uses an epinephrine auto-injector, he or she must notify a school employee as soon as possible.
- 2. If the pupil notifies a school employee, report the pupil's use of the epinephrine auto-injector by dialing "911."

The bill also exempts school boards and districts, private schools, and tribal schools, and their employees, from civil liability for an injury incurred by any person

SENATE BILL 416

1

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

as a result of a school employee failing to satisfy either of these requirements if the school employee had a good faith belief that the requirement had been satisfied.

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

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

118.292 (**1v**) Each school board and the governing body of each private or tribal school shall adopt a written policy describing the procedure for a pupil's possession and use of an epinephrine auto-injector under sub. (1r). The policy shall require school employees to do all of the following:

- (a) Inform the pupil that if he or she uses the epinephrine auto-injector, he or she must notify a school employee as soon as possible.
- (b) If the pupil notifies a school employee under par. (a), report the pupil's use of the epinephrine auto-injector by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

Section 2. 118.292 (2) (c) of the statutes is created to read:

118.292 (2) (c) Any person as a result of a school employee failing to inform a pupil under sub. (1v) (a) or failing to report a pupil's use of an epinephrine auto-injector under sub. (1v) (b) if the school employee had a good faith belief that the requirement under sub. (1v) (a) or (b) had been satisfied.

17 (END)