



2013 SENATE BILL 375

1 **AN ACT** *to amend* 450.11 (1); and *to create* 118.2925 and 448.03 (2) (q) of the
2 statutes; **relating to:** the use of an epinephrine auto-injector on school
3 premises or at a school-sponsored activity.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 4.** 118.2925 of the statutes is created to read:
5 **118.2925 Life-threatening allergies in schools; use of epinephrine**
6 **auto-injectors. (1) DEFINITIONS.** In this section:
7 (a) “Administer” means the direct application of an epinephrine auto-injector
8 to a person’s body.
9 (b) “Advanced practice nurse prescriber” means an advanced practice nurse
10 who is certified under s. 441.16.

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1 (c) “Designated school personnel” means an employee, agent, or volunteer of
2 a school, designated by the governing body of the school, who has completed the
3 training specified in the plan adopted by the governing body of the school in sub. (2)
4 (a).

5 (d) “Epinephrine auto-injector” means a device used for the automatic
6 injection of epinephrine into the human body to prevent or treat a life-threatening
7 allergic reaction.

8 (e) “Physician” means a person licensed to practice medicine and surgery under
9 ch. 448.

10 (f) “Physician assistant” means a person licensed under s. 448.04 (1) (f).

11 (g) “School” means a public, private, or tribal school.

12 (h) “Self-administer” means to administer an epinephrine auto-injector to
13 one’s own body.

14 **(2) SCHOOL PLAN.** (a) The governing body of a school may adopt a plan for the
15 management of pupils attending the school who have life-threatening allergies. If
16 the governing body of a school does so, it shall specify in the plan the training
17 necessary to perform the activities under sub. (4). The governing body of a school
18 may not adopt a plan unless it has been approved by a physician.

19 (b) The governing body of a school that has adopted a plan under par. (a) shall
20 make the plan available on the governing body’s Internet site or the Internet site of
21 each school under its jurisdiction or, if an Internet site does not exist, give a copy of
22 the plan to any person upon request.

23 **(3) PRESCRIPTIONS FOR SCHOOLS.** A physician, an advanced practice nurse
24 prescriber, or a physician assistant may prescribe epinephrine auto-injectors in the

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1 name of a school that has adopted a plan under sub. (2) (a), to be maintained by the
2 school for use under sub. (4).

3 (4) USE OF EPINEPHRINE AUTO-INJECTORS. The governing body of a school that
4 has adopted a plan under sub. (2) (a) may authorize a school nurse or designated
5 school personnel to do any of the following on school premises or at a
6 school-sponsored activity:

7 (a) Provide an epinephrine auto-injector to a pupil to self-administer the
8 epinephrine auto-injector in accordance with a prescription specific to the pupil that
9 is on file with the school.

10 (b) Administer an epinephrine auto-injector to a pupil in accordance with a
11 prescription specific to the pupil that is on file with the school.

12 (c) Administer an epinephrine auto-injector to a pupil or other person who the
13 school nurse or designated school personnel in good faith believes is experiencing
14 anaphylaxis in accordance with a standing protocol from a physician, an advanced
15 practice nurse prescriber, or a physician assistant, regardless of whether the pupil
16 or other person has a prescription for an epinephrine auto-injector. If the pupil or
17 other person does not have a prescription for an epinephrine auto-injector, or the
18 person who administers the epinephrine auto-injector does not know whether the
19 pupil or other person has a prescription for an epinephrine auto-injector, the person
20 who administers the epinephrine auto-injector shall, as soon as practicable, report
21 the administration by dialing the telephone number “911” or, in an area in which the
22 telephone number “911” is not available, the telephone number for an emergency
23 medical service provider.

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1 **(4m)** INDEPENDENT AUTHORITY. (a) The authority to self-administer an
2 epinephrine auto-injector under sub. (4) (a) is independent of the authorized
3 possession and use of an epinephrine auto-injector under s. 118.292 (1r).

4 (b) The authority to administer an epinephrine auto-injector under sub. (4) (b)
5 and (c) is independent of the authority to administer an epinephrine auto-injector
6 under s. 118.29 (2) (a) 2. and 2m.

7 **(5)** IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF MEDICINE. A
8 school and its designated school personnel, and a physician, advanced practice nurse
9 prescriber, or physician assistant who provides a prescription or standing protocol
10 for school epinephrine auto-injectors, are not liable for any injury that results from
11 the administration or self-administration of an epinephrine auto-injector under
12 this section, regardless of whether authorization was given by the pupil's parent or
13 guardian or by the pupil's physician, physician assistant, or advanced practice nurse
14 prescriber, unless the injury is the result of an act or omission that constitutes gross
15 negligence or willful or wanton misconduct. The immunity from liability provided
16 under this subsection is in addition to and not in lieu of that provided under s. 895.48.

17 **(6m)** HEALTH CARE PROFESSIONALS. Nothing in this section prohibits a health
18 care professional, as defined in s. 118.29 (1) (c), from acting within the scope of
19 practice of the health care professional's license, certificate, permit, or registration.

20 **SECTION 5.** 448.03 (2) (q) of the statutes is created to read:

21 448.03 **(2)** (q) The administration of an epinephrine auto-injector in
22 accordance with s. 118.2925.

23 **SECTION 6.** 450.11 (1) of the statutes is amended to read:

24 450.11 **(1)** DISPENSING. No person may dispense any prescribed drug or device
25 except upon the prescription order of a practitioner. All prescription orders shall

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1 specify the date of issue, the name and address of the practitioner, the name and
2 quantity of the drug product or device prescribed, directions for the use of the drug
3 product or device, the symptom or purpose for which the drug is being prescribed if
4 required under sub. (4) (a) 8., and, if the order is written by the practitioner, the
5 signature of the practitioner. Except as provided in ~~s. ss. 118.2925 (3) and 448.035~~
6 (2), all prescription orders shall also specify the name and address of the patient. A
7 prescription order issued under s. 118.2925 (3) shall specify the name and address
8 of the school. Any oral prescription order shall be immediately reduced to writing
9 by the pharmacist and filed according to sub. (2).

10

(END)