

2015 DRAFTING REQUEST

Senate Amendment (SA-SB139)

Received: **5/15/2015** Received By: **tdodge**
For: **Leah Vukmir (608) 266-2512** Same as LRB: **a0537**
May Contact: By/Representing: **Luke**
Subject: **Health - public health** Drafter: **tdodge**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Vukmir@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov
michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Liability exemption for not making available epinephrine auto-injectors

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 5/18/2015	csicilia 5/19/2015	_____			
/P1	tdodge 6/1/2015		_____	lparisi 5/19/2015		
/1		csicilia	_____	sbasford	sbasford	

Vers. Drafted

Reviewed
6/1/2015

Proofed

Submitted
6/1/2015

Jacketed
6/1/2015

Required

FE Sent For:

<END>

Dodge, Tamara

From: Dodge, Tamara
Sent: Saturday, May 16, 2015 3:49 PM
To: Fuller, Lucas
Cc: Flemming, Darla; Larson, Brian
Subject: RE: Companion draft - epi-pens

Luke,

The liability exemption for failure of an authorized entity to administer an epinephrine auto-injector (or any other act of omission) is already incorporated into sub. (6) (a). Adding that type of language again would cause a lot of confusion. Please look at that paragraph in the bill and determine whether you want to eliminate the language from that paragraph and add it in a different form elsewhere or whether it is okay as it is.

In the meantime, I will get you an amendment including the rest of the language requested to specify that there is no duty to make epinephrine auto-injectors available.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Fuller, Lucas
Sent: Friday, May 15, 2015 3:28 PM
To: Dodge, Tamara
Cc: Flemming, Darla; Larson, Brian; bob@thewelchgroup.org
Subject: RE: Companion draft - epi-pens

Hi Tami,

We were hoping to have an amendment drafted for SB 139 that would address a liability concerns for Good Samaritans that was raised by the Wisconsin Restaurant Association.

Specifically, I think we were hoping to make it clear that restaurants would not incur any obligation to have epinephrine auto-injectors on hand or any liability if they choose not to. Bob Welch had suggested the below language would perhaps address the concern, but I think we are all open to any insights or preferences you might have to reach our goal.

I would suggest adding a new (6)(e) to the good Samaritan provision to read:

Nothing in this section shall create or impose any duty, obligation, or basis for liability on any authorized entity, or its employees, agents, or other individuals, to make an epinephrine auto-injector available or to use an available epinephrine auto-injector.

Ideally, we would like the amendment by the public hearing on Wednesday at 10:30AM, but we likely won't hold an executive session until after Memorial Day.

Let me know if you need anything else.

Thank you.

Luke



State of Wisconsin
2015 - 2016 LEGISLATURE

Due Tues 5/19

LRBa0532(?) P1
TJD:.....
9/5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 139

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At the locations indicated, amend the bill as follows:

- 1. Page 4, line 23: after "PROTECTIONS" insert "; LIABILITY".
- 2. Page 5, line 23: after that line insert:

"(e) Nothing in this section creates or imposes any duty, obligation, or basis for liability on any authorized entity, or its employees, agents, or other individuals, to acquire or make available an epinephrine auto-injector."

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa0532/P1
TJD:cjs

In: 6/1

Due Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 139

Miss

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 23: after "PROTECTIONS" insert "; LIABILITY".

3 **2.** Page 5, line 23: after that line insert:

4 "(e) Nothing in this section creates or imposes any duty, obligation, or basis for
5 liability on any authorized entity, or its employees, agents, or other individuals, to
6 acquire or make available an epinephrine auto-injector."

7 (END)