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# 2015 DRAFTING REQUEST

Senate Amendment (SA-SB139)

Received:	5/15/2015			Received By:	tdodge	
For:	Leah Vukm	ir (608) 266-251	12	Same as LRB:	a0537	
May Contact:				By/Representing:	Luke	
Subject:	Health - pub	olic health		Drafter:	tdodge	
				Addl. Drafters:		
				Extra Copies:		
Submit via email: Requester's email: Carbon copy (CC) to:		tamara.dodg sarah.walker	@legis.wisconsine@legis.wisconsinhorstbarber@legis.wisconsinhorstbarber@legis.wis	sin.gov legis.wisconsin.gov		
Pre Topic:						
No specific	e pre topic given					
Topic:						
Liability ex	xemption for not	making availabl	e epinephrine au	ito-injectiors		
Instructions:						
See attache	ed					
Drafting History:						
Vers. <u>I</u>	<u>Drafted</u>	Reviewed	<u>Proofed</u>	Submitted	<u>Jacketed</u>	Required
	dodge 5/18/2015	csicilia 5/19/2015				
	dodge 6/1/2015			lparisi 5/19/2015		

csicilia

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LRBa0532

6/1/2015 2:41:21 PM Page 2

<u>Submitted</u> 6/1/2015 <u>Jacketed</u> 6/1/2015 Required **Drafted** Reviewed **Proofed** Vers. 6/1/2015

FE Sent For:

<**END**>

### Dødge, Tamara

From:

Dodge, Tamara

Sent:

Saturday, May 16, 2015 3:49 PM

To:

Fuller, Lucas

Cc: Subject: Flemming, Darla; Larson, Brian 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

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Wisconsin Legislative Reference Bureau
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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.

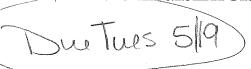
Let me know if you need anything else.

Thank you.

Luke



# State of Misconsin 2015–2016 LEGISLATURE



LRBa0532(?)

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

full hist

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:
  - "(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.".

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(END)



## State of Misconsin 2015 - 2016 LEGISLATURE

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Tr. Coli

# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

### SENATE AMENDMENT,

### **TO SENATE BILL 139**

Mary

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- 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.".

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(END)