



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRB-1026/en
CMH:amn

ASSEMBLY BILL 1

1 **AN ACT** *to amend* 118.29 (title) and 118.29 (2) (a) 3.; and *to create* 118.29 (1) (dr),
2 118.29 (1) (dt), 118.29 (2) (a) 2g. and 895.478 of the statutes; **relating to:**
3 emergency administration of opioid antagonist to pupils, University of
4 Wisconsin, technical college, and private nonprofit college and university
5 students, and other persons.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 118.29 (title) of the statutes is amended to read:
7 **118.29** (title) **Administration of drugs to pupils and emergency care.**
8 **SECTION 2.** 118.29 (1) (dr) of the statutes is created to read:
9 118.29 (1) (dr) "Opioid antagonist" has the meaning given in s. 450.01 (13v).
10 **SECTION 3.** 118.29 (1) (dt) of the statutes is created to read:

1 118.29 (1) (dt) “Opioid-related drug overdose” has the meaning given in s.
2 256.40 (1) (d).

3 **SECTION 4.** 118.29 (2) (a) 2g. of the statutes is created to read:

4 118.29 (2) (a) 2g. May administer an opioid antagonist to any pupil or other
5 person who appears to be undergoing an opioid-related drug overdose if, as soon as
6 practicable, the school bus operator, employee, or volunteer reports the drug
7 overdose by dialing the telephone number “911” or, in an area in which the telephone
8 number “911” is not available, the telephone number for an emergency medical
9 service provider.

10 **SECTION 5.** 118.29 (2) (a) 3. of the statutes is amended to read:

11 118.29 (2) (a) 3. Subject to sub. (4m), is immune from civil liability for his or
12 her acts or omissions in administering a nonprescription drug product or
13 prescription drug to a pupil under subd. 1., 2., 2m., or 2r. or to a pupil or other person
14 under subd. 2g. unless the act is in violation of sub. (6) or the act or omission
15 constitutes a high degree of negligence. This subdivision does not apply to health
16 care professionals.

17 **SECTION 5m.** 895.478 of the statutes is created to read:

18 **895.478 Civil liability exemption; opioid antagonists. (1)** In this section:

19 (a) “Administer” has the meaning given in s. 118.29 (1) (a).

20 (b) “Health care professional” has the meaning given in s. 118.29 (1) (c).

21 (c) “High degree of negligence” has the meaning given in s. 118.29 (1) (d).

22 (d) “Opioid antagonist” has the meaning given in s. 450.01 (13v).

23 (e) “Opioid-related drug overdose” has the meaning given in s. 256.40 (1) (d).

1 (f) “Residence hall director” means the individual employed by any of the
2 following to reside at a residence hall for students and oversee the management and
3 operation of the hall:

4 1. The University of Wisconsin System.

5 2. A technical college district.

6 3. The governing body of a private nonprofit institution of higher education
7 located in this state.

8 (2) Notwithstanding chs. 441, 447, 448, and 450, a residence hall director may
9 administer an opioid antagonist to any student or other person who appears to be
10 undergoing an opioid-related drug overdose if all of the following are satisfied:

11 (a) The residence hall director has received training on the administration of
12 opioid antagonists that is approved by his or her employer specified in sub. (1) (f) 1.,
13 2., or 3.

14 (b) As soon as practicable after administering the opioid antagonist, the
15 residence hall director reports the drug overdose by dialing the telephone number
16 “911” or, in an area in which the telephone number “911” is not available, the
17 telephone number for an emergency medical service provider.

18 (3) A residence hall director is immune from civil liability for his or her acts or
19 omissions in administering an opioid antagonist under sub. (2) unless the act or
20 omission constitutes a high degree of negligence. This subsection does not apply to
21 a residence hall director who is a health care professional.

22 (4) An employer specified in sub. (1) (f) 1., 2., or 3. who approves training
23 required under sub. (2) (a) for the administration of opioid antagonists by a residence

1 hall director is immune from civil liability for the act of approval unless it constitutes
2 a high degree of negligence.

3 (END)