

2017 Jr7 DRAFTING REQUEST

Bill

For: **John Nygren (608) 266-2343** Drafter: **tkuczens**
 By: **Caroline** Secondary Drafters:
 Date: **12/7/2016** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Nygren@legis.wisconsin.gov**
 Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Emergency administration of opioid antagonist in schools

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 12/20/2016				
/P1		jdyer 12/21/2016	mbarman 12/21/2016		
/P2	tkuczens 12/30/2016	wjackson 12/27/2016	hkohn 12/27/2016		
/1	tkuczens 2/14/2017	wjackson 2/14/2017	lparisi 1/27/2017	mbarman 2/2/2017	
/2			mbarman	mbarman	



Vers.

Drafted

Reviewed

Submitted
2/14/2017

Jacketed
2/14/2017

Required

FE Sent For:

<END>

↳ Not
Needed

Dr 7

2017 DRAFTING REQUEST

Bill

For: John Nygren (608) 266-2343

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By: Caroline

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/P2	tkuczens 12/30/2016	wjackson 12/27/2016	hkohn 12/27/2016		
/1		kmochal 12/30/2016	hkohn 12/30/2016		

FE Sent For:

<END>

Kuczenski, Tracy

From: Krause, Caroline
Sent: Wednesday, December 07, 2016 2:25 PM
To: Kuczenski, Tracy
Subject: RE: Scheduling
Attachments: Opioid Antagonist - Schools.pdf

Hi Tracy,

Thanks so much for taking the time to come over to our office and hammer out more of the details on the recovery school bill.

My boss wants to draft another bill regarding emergency administration of an opioid antagonist in schools, just like what's permitted for epi-pens and glucagon under 118.29. Would you be the correct person to talk to about this?

I've attached a one-pager about this with more detail.

Thanks again for your help,

Caroline

Caroline Krause

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343

From: Kuczenski, Tracy
Sent: Monday, November 28, 2016 9:12 AM
To: Krause, Caroline <Caroline.Krause@legis.wisconsin.gov>
Subject: RE: Scheduling

Hi Caroline –

Thanks for the good wishes, I did have a lovely Thanksgiving. I hope you did as well.

Wednesday December 7th sounds good. See you then.

Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Krause, Caroline
Sent: Monday, November 28, 2016 8:54 AM

Emergency Administration of Opiate Antidote in Schools

Issue: WASB attorneys interpret the requirements of 118.29 to likely serve as a barrier to direct reliance on 441.18 and 448.037 when it comes to school employee administration of an opiate antidote (Narcan) to students, and that the legislative path appears to us to be the appropriate area of emphasis.

Stated another way, just because school personnel have a means of obtaining the drug under 441.18 and 448.037, that doesn't necessarily mean that the drug can be administered to a pupil under 118.29 and under the liability protections offered by 118.29 without satisfying all of the requirements found in 118.29(2)(a)2. (There are no direct cross-references that tie 441.18 and 448.037 to 118.29.) A more conservative reading of the applicable statutes would suggest that 441.18 and 448.037 do NOT "waive" the 118.29(2)(a)2. requirements. Those requirements include, for example, (1) a requirement for the school district to receive a pharmacy-labeled package that specifies the name of the pupil, and (2) a requirement for the school district to have the written permission of a parent or guardian to administer the medication.

Proposed Solution: Legislation that provides clarity based on the statutory precedent that was set for epinephrine in 118.29(2)(a)2m and for glucagon in 118.29(2)(a)2r.



State of Wisconsin
2017 - 2018 LEGISLATURE

PI
LRB-10267
TKK:
RMR JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 12/20

4
1

Gen

AN ACT ...; relating to: emergency administration of opioid antagonist to pupils.

Analysis by the Legislative Reference Bureau

This bill exempts a school bus operator, a public, private, or tribal school, Cooperative Educational Service Agency, or County Children with Disabilities Education Board employee, or a volunteer authorized in writing by a school, CESA, or CCDEB administrator or principal from civil liability for his or her acts or omissions in administering an opioid antagonist to a pupil who appears to be undergoing an opioid-related drug overdose. The person who administers the opioid antagonist must, as soon as practicable, report the drug overdose by calling "911" or, if "911" is not available, the telephone number for an emergency medical service provider.

Under current law, any of the persons authorized above may, similarly, use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction and administer glucagon to any pupil who the person knows is diabetic and who appears to be experiencing a severe low blood sugar event with altered consciousness, provided the person reports the allergic reaction or low blood sugar event.

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

2

SECTION 1. 118.29 (1) (dr) of the statutes is created to read:

SECTION 1

1 118.29 (1) (d) "Opioid antagonist" has the meaning given in s. 450.01 (13v).

2 SECTION 2. 118.29 (1) (dt) of the statutes is created to read:

3 118.29 (1) (dt) "Opioid-related drug overdose" has the meaning given in s.
4 256.40 (1) (d).

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

6 118.29 (2) (a) 2g. Except for an opioid antagonist administered under subd. 2.,
7 may administer an opioid antagonist to any pupil who appears to be undergoing an
8 opioid-related drug overdose if, as soon as practicable, the school bus operator,
9 employee, or volunteer reports the drug overdose by dialing the telephone number
10 "911" or, in an area in which the telephone number "911" is not available, the
11 telephone number for an emergency medical service provider.

****NOTE: Are you comfortable with the phrase "appears to be undergoing an
opioid-related drug overdose"? Or would you prefer the triggering language subdivision
to read "at risk of undergoing an opioid-related drug overdose," which is how the
language appears in s. 441.18 and 448.037?

12 SECTION 4. 118.29 (2) (a) 3. of the statutes is amended to read:

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

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130; 2009 a. 160, 302; 2011 a. 86, 260.

18

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1026/PI

TKK:jld

PZ
twj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 12/27

Today

- 1 **AN ACT to amend** 118.29 (2) (a) 3.; and **to create** 118.29 (1) (dr), 118.29 (1) (dt)
2 and 118.29 (2) (a) 2g. of the statutes; **relating to:** emergency administration
3 of opioid antagonist to pupils.

Analysis by the Legislative Reference Bureau

This bill exempts a school bus operator, a public, private, or tribal school, Cooperative Educational Service Agency, or County Children with Disabilities Education Board employee, or a volunteer authorized in writing by a school, CESA, or CCDEB administrator or principal from civil liability for his or her acts or omissions in administering an opioid antagonist to a pupil who appears to be undergoing an opioid-related drug overdose. The person who administers the opioid antagonist must, as soon as practicable, report the drug overdose by calling "911" or, if "911" is not available, the telephone number for an emergency medical service provider.

Under current law, any of the persons authorized above may, similarly, use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction and administer glucagon to any pupil who the person knows is diabetic and who appears to be experiencing a severe low blood sugar event with altered consciousness, provided the person reports the allergic reaction or low blood sugar event.

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

1 **SECTION 1.** 118.29 (1) (dr) of the statutes is created to read:

2 118.29 (1) (dr) "Opioid antagonist" has the meaning given in s. 450.01 (13v).

3 **SECTION 2.** 118.29 (1) (dt) of the statutes is created to read:

4 118.29 (1) (dt) "Opioid-related drug overdose" has the meaning given in s.
5 256.40 (1) (d).

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

7 118.29 (2) (a) 2g. Except for an opioid antagonist administered under subd. 2.,
8 may administer an opioid antagonist to any pupil who appears to be undergoing an
9 opioid-related drug overdose if, as soon as practicable, the school bus operator,
10 employee, or volunteer reports the drug overdose by dialing the telephone number
11 "911" or, in an area in which the telephone number "911" is not available, the
12 telephone number for an emergency medical service provider.

6 ****NOTE: Are you comfortable with the phrase "appears to be undergoing an
opioid-related drug overdose"? Or would you prefer the triggering language subdivision
to read "at risk of undergoing an opioid-related drug overdose," which is how the
language appears in ss. 441.18 and 448.037?

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

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

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(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1026/P2

TKK:jld&wlj

me

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*in 12/30
Today*

- 1 **AN ACT** *to amend* 118.29 (2) (a) 3.; and *to create* 118.29 (1) (dr), 118.29 (1) (dt)
2 and 118.29 (2) (a) 2g. of the statutes; **relating to:** emergency administration
3 of opioid antagonist to pupils.

Analysis by the Legislative Reference Bureau

This bill exempts a school bus operator, a public, private, or tribal school, Cooperative Educational Service Agency, or County Children with Disabilities Education Board employee, or a volunteer authorized in writing by a school, CESA, or CCDEB administrator or principal from civil liability for his or her acts or omissions in administering an opioid antagonist to a pupil who appears to be undergoing an opioid-related drug overdose. The person who administers the opioid antagonist must, as soon as practicable, report the drug overdose by calling "911" or, if "911" is not available, the telephone number for an emergency medical service provider.

Under current law, any of the persons authorized above may, similarly, use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction and administer glucagon to any pupil who the person knows is diabetic and who appears to be experiencing a severe low blood sugar event with altered consciousness, provided the person reports the allergic reaction or low blood sugar event.

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



Jacket for the Assembly

per Caroline in Nygren's office
(02-02-2017)

-0639

-1323

-1325

-1328

-1471

-1472

-1473

-1498

-1520

-1026

10 Bills

AMB

Kuczenski, Tracy

From: Krause, Caroline
Sent: Tuesday, February 14, 2017 1:58 PM
To: Kuczenski, Tracy; Gugel, Mattias
Cc: Romportl, Dan
Subject: LRB 1026

Hi Tracy,

I wanted to get everyone on the same page. Could you please make the same changes to Sen. Vukmir's companion as you're making to our bill draft for LRB 1026?

Thanks – and please don't hesitate to let me know if you have any questions,

Caroline Krause

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343

— LRB-1569

Incorporate LRBa 0031/P1
re: liability protections for
administering opioid antagonist to
"other persons."



State of Wisconsin
2017 - 2018 LEGISLATURE
January 2017 Special Session

2
LRB-1026/1
TKK:jld&wlj

RWT:IR
insert

BILL

in 2/14

1 AN ACT to amend 118.29 (2) (a) 3.; and to create 118.29 (1) (dr), 118.29 (1) (dt)
2 and 118.29 (2) (a) 2g. of the statutes; relating to: emergency administration
3 of opioid antagonist to pupils. *and other persons*

Analysis by the Legislative Reference Bureau

This bill exempts a school bus operator, a public, private, or tribal school, Cooperative Educational Service Agency, or County Children with Disabilities Education Board employee, or a volunteer authorized in writing by a school, CESA, or CCDEB administrator or principal from civil liability for his or her acts or omissions in administering an opioid antagonist to a pupil who appears to be undergoing an opioid-related drug overdose. The person who administers the opioid antagonist must, as soon as practicable, report the drug overdose by calling "911" or, if "911" is not available, the telephone number for an emergency medical service provider. *or other person*

Under current law, any of the persons authorized above may, similarly, use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction and administer glucagon to any pupil who the person knows is diabetic and who appears to be experiencing a severe low blood sugar event with altered consciousness, provided the person reports the allergic reaction or low blood sugar event.

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

Insert 2 - 1

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SECTION 2. 118.29 (1) (dt) of the statutes is created to read:

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

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

118.29 (2) (a) 2g. Except for an opioid antagonist administered under subd. 2.,

may administer an opioid antagonist to any pupil ^{or other person} who appears to be undergoing an
opioid-related drug overdose if, as soon as practicable, the school bus operator,
employee, or volunteer reports the drug overdose 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 4. 118.29 (2) (a) 3. of the statutes is amended to read:

118.29 (2) (a) 3. Subject to sub. (4m), is immune from civil liability for his or
her acts or omissions in administering a nonprescription drug product or
prescription drug to a pupil under subd. 1., 2., 2g., 2m., or 2r. unless the act is in
violation of sub. (6) or the act or omission constitutes a high degree of negligence.

This subdivision does not apply to health care professionals.

(END)

or to a pupil or other
person under subd. 2g.



State of Wisconsin
2017 - 2018 LEGISLATURE
January 2017 Special Session

LRBa0031/P1
TKK:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2017 ASSEMBLY BILL (LRB-1026/1)

Insert
2-1

9

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

2 1. Page 1, line 3: after "pupils" insert "and other persons".

3 2. Page 2, line 1: before that line insert:

4 ^{ea} SECTION ~~1g~~. 118.29 (title) of the statutes is amended to read:

5 118.29 (title) Administration of drugs to pupils and emergency care. ^{ea}

6 3. Page 2, line 7: delete the material beginning with "Except" and ending with
7 "may" on line 8 and substitute "May".

8 4. Page 2, line 8: after "pupil" insert "or other person".

9 5. Page 2, line 16: delete that line and substitute "prescription drug to a pupil
10 under subd. 1., 2., 2m., or 2r. or to a pupil or other person under subd. 2g. unless the
11 act is in".

12 (END)

6

Barman, Mike

From: LRB.Legal
To: Rep.Nygren
Subject: Draft review: LRB -1026/2
Attachments: 17-1026/2

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Tracy K. Kuczenski, Senior Legislative Attorney, at (608) 266-9867, at tracy.kuczenski@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will re-jacket this draft for introduction in the Assembly.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.