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State of Misconsin 2023 - 2024 LEGISLATURE

LRBs0081/1 FFK:cdc

SENATE SUBSTITUTE AMENDMENT 1, TO SENATE BILL 206

September 20, 2023 - Offered by Senator James.

2	895.478 (4); and <i>to create</i> 895.478 (1) (title), 895.478 (3m) and 895.478 (2)
3	(title) of the statutes; relating to: immunity from liability for administering an
4	opioid antagonist.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
5	Section 1. 895.478 (1) (title) of the statutes is created to read:
6	895.478 (1) (title) Definitions.
7	Section 2. 895.478 (2) (title) of the statutes is created to read:
8	895.478 (2) (title) Residence hall directors.
9	Section 3. 895.478 (2) of the statutes is renumbered 895.478 (2) (am).
10	Section 4. 895.478 (3) of the statutes is renumbered 895.478 (2) (bm) and
11	amended to read:

AN ACT to renumber 895.478(2); to renumber and amend 895.478(3) and

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

Section 5. 895.478 (3m) of the statutes is created to read:

895.478 (3m) Elementary and secondary schools. An elementary or secondary school and its designated school personnel, and a physician, advanced practice nurse prescriber, or physician assistant who provides or administers an opioid antagonist, are not liable for any injury that results from the opioid antagonist, regardless of whether authorization was given by the pupil's parent or guardian or by the pupil's physician, advanced practice nurse prescriber, or physician assistant, unless the injury is the result of an act or omission that constitutes gross negligence or willful or wanton misconduct. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48.

SECTION 6. 895.478 (4) of the statutes is renumbered 895.478 (2) (cm) and amended to read:

895.478 **(2)** (cm) An employer specified in sub. (1) (f) 1., 2., or 3. who approves training required under sub. (2) (a) par. (am) 1. for the administration of opioid antagonists by a residence hall director is immune from civil liability for the act of approval unless it constitutes a high degree of negligence.