

2

State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 564

February 14, 2012 – Introduced by Representatives PASCH, BALLWEG, JORGENSEN, THIESFELDT, C. TAYLOR, BERCEAU, BEWLEY, TURNER, BILLINGS, RADCLIFFE, SINICKI, SEIDEL, GRIGSBY and DOYLE, cosponsored by Senators VINEHOUT, C. LARSON, OLSEN, RISSER and TAYLOR. Referred to Committee on Education.

1 AN ACT *to create* 118.292 (1v) and 118.292 (2) (c) of the statutes; **relating to:** a

pupil's possession and use of an epinephrine auto-injector.

Analysis by the Legislative Reference Bureau

Under current law, a pupil may possess and use an epinephrine auto-injector while in a public, private, or tribal school, at a school-sponsored activity, or under the supervision of a school authority if the pupil uses the injector to prevent the onset or alleviate the symptoms of an emergency situation. An emergency situation is a situation in which a pupil reasonably believes that he or she is experiencing a severe allergic reaction, including anaphylaxis, that requires the administration of epinephrine to avoid severe injury or death.

The pupil must obtain the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the pupil's parent or guardian, and must provide the school principal with a copy of the approval or approvals.

This bill requires the governing body of each school to adopt a written policy describing the procedure for a pupil's possession and use of an epinephrine auto-injector. The policy must require that school employees do the following:

1. Inform the pupil that if he or she uses an epinephrine auto-injector, he or she must notify a school employee as soon as possible.

2. If the pupil notifies a school employee, report the pupil's use of the epinephrine auto-injector by dialing "911."

The bill also exempts school boards and districts, private schools, and tribal schools, and their employees, from civil liability for an injury incurred by any person

ASSEMBLY BILL 564

as a result of a school employee failing to satisfy either of these requirements if the school employee had a good faith belief that the requirement had been satisfied.

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

 118.292 (1v) The governing body of each school shall adopt a written p describing the procedure for a pupil's possession and use of an epineph auto-injector under sub. (1r). The policy shall require school employees to do the following: (a) Inform the pupil that if he or she uses the epinephrine auto-injector, she must notify a school employee as soon as possible. (b) If the pupil notifies a school employee under par. (a), report the pupil' 	hrine all of
 auto-injector under sub. (1r). The policy shall require school employees to do the following: (a) Inform the pupil that if he or she uses the epinephrine auto-injector, she must notify a school employee as soon as possible. 	all of
 5 the following: 6 (a) Inform the pupil that if he or she uses the epinephrine auto-injector, 7 she must notify a school employee as soon as possible. 	
 6 (a) Inform the pupil that if he or she uses the epinephrine auto-injector, 7 she must notify a school employee as soon as possible. 	he or
7 she must notify a school employee as soon as possible.	he or
8 (b) If the pupil notifies a school employee under par. (a), report the pupil'	
	's use
9 of the epinephrine auto-injector by dialing the telephone number "911" or, in an	area
10 in which the telephone number "911" is not available, the telephone number f	or an
11 emergency medical service provider.	
12 SECTION 2. 118.292 (2) (c) of the statutes is created to read:	
13 118.292 (2) (c) Any person as a result of a school employee failing to info	orm a
14 pupil under sub. (1v) (a) or failing to report a pupil's use of an epinepl	hrine
15 auto-injector under sub. (1v) (b) if the school employee had a good faith belief	that
16 the requirement under sub. (1v) (a) or (b) had been satisfied.	
10 more requirements and real sub. (1) (a) or (b) fraction satisfied.	