

State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 416

December 3, 2013 – Introduced by Senators Olsen and Gudex, cosponsored by Representatives PASCH, A. OTT, BERCEAU, BILLINGS, T. LARSON and OHNSTAD. Referred to Committee on Education.

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

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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.

In order to possess and use an epinephrine auto-injector while in school, current law requires the pupil to 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 to 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

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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:

| 1 | SECTION 1. 118.292 (1v) of the statutes is created to read: |
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| 2 | 118.292 (1v) Each school board and the governing body of each private or tribal |
| 3 | school shall adopt a written policy describing the procedure for a pupil's possession |
| 4 | and use of an epinephrine auto-injector under sub. (1r). The policy shall require |
| 5 | school employees to do all of the following: |
| 6 | (a) Inform the pupil that if he or she uses the epinephrine auto-injector, he or |
| 7 | she must notify a school employee as soon as possible. |
| 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 for 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 inform a |
| 14 | pupil under sub. (1v) (a) or failing to report a pupil's use of an epinephrine |
| 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. |
| 17 | (END) |