



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3019/1
TJD:ahe

2017 SENATE BILL 209

April 20, 2017 - Introduced by Senators OLSEN, CARPENTER, L. TAYLOR, WIRCH and BEWLEY, cosponsored by Representatives JACQUE, SHANKLAND, KREMER, NYGREN, TITTL, ALLEN, HORLACHER, KRUG, MURPHY, MURSAU, SKOWRONSKI, STEFFEN, SUBECK, THIESFELDT and ROHRKASTE. Referred to Committee on Health and Human Services.

1 **AN ACT** *to amend* 255.07 (1) (b), 255.07 (2), 255.07 (3), 255.07 (4) (intro.), 255.07
2 (4) (b), 255.07 (5) (a) (intro.), 255.07 (6) (a) 1., 255.07 (6) (a) 2., 255.07 (6) (a) 3.,
3 450.11 (1) and 450.11 (4) (a) 5. d.; and *to create* 255.07 (1) (bg) of the statutes;
4 **relating to:** supply and use of epinephrine auto-injectors by certain
5 authorized individuals.

Analysis by the Legislative Reference Bureau

This bill allows an authorized individual to acquire and maintain a supply of epinephrine auto-injectors and provide or administer an epinephrine auto-injector to an individual that the authorized individual believes is experiencing anaphylaxis regardless of whether that individual has a prescription for an epinephrine auto-injector or has been diagnosed with an allergy. Under the bill, an authorized individual is one who operates or participates in a business, activity, or event at which allergens capable of causing anaphylaxis may be present.

Under current law, certain prescribers are allowed to prescribe epinephrine auto-injectors in the name of authorized entities. Authorized entities, currently, are entities or organizations, other than schools, that operate a business, activity, or event at which allergens capable of causing anaphylaxis may be present. Current law allows an authorized entity to acquire and maintain a supply of epinephrine auto-injectors and requires those that do to comply with certain storage requirements for the auto-injectors. An employee or agent of an authorized entity, or other individual, who has completed the required training may use an epinephrine

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auto-injector to provide or administer to an individual that he or she believes is experiencing anaphylaxis. Under current law the authorized entity, its employees or agents, and other individuals are not liable for injuries resulting from administering or failing to administer an epinephrine auto-injector. This bill allows prescribers to prescribe epinephrine auto-injectors to authorized individuals, allows authorized individuals to acquire and maintain a supply of epinephrine auto-injectors, subjects authorized individuals to the same storage and training requirements as authorized entities, and provides the same liability exemptions to authorized individuals as current law provides for authorized entities. Additionally, the bill expands authorized entities to include entities and organizations that participate in a business, activity, or event at which allergens capable of causing anaphylaxis may be present.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 255.07 (1) (b) of the statutes is amended to read:

2 255.07 (1) (b) “Authorized entity” means any entity or organization, other than
3 a school described in s. 118.2925, operating or participating in a business, activity,
4 or event at which allergens capable of causing anaphylaxis may be present, including
5 a recreational and educational camp, college, university, day care facility, youth
6 sports league, amusement park, restaurant, place of employment, and sports arena.

7 **SECTION 2.** 255.07 (1) (bg) of the statutes is created to read:

8 255.07 (1) (bg) “Authorized individual” means an individual operating or
9 participating in a business, activity, or event at which allergens capable of causing
10 anaphylaxis may be present, including a recreational and educational camp, college,
11 university, day care facility, youth sports league, amusement park, restaurant, place
12 of employment, and sports arena.

13 **SECTION 3.** 255.07 (2) of the statutes is amended to read:

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1 255.07 (2) PRESCRIBING TO AN AUTHORIZED ENTITY OR INDIVIDUAL PERMITTED. A
2 health care practitioner may prescribe an epinephrine auto-injector in the name of
3 an authorized entity or an authorized individual for use in accordance with this
4 section.

5 **SECTION 4.** 255.07 (3) of the statutes is amended to read:

6 255.07 (3) AUTHORIZED ENTITIES OR INDIVIDUALS PERMITTED TO MAINTAIN SUPPLY.
7 An authorized entity or an authorized individual may acquire and maintain a supply
8 of epinephrine auto-injectors pursuant to a prescription issued in accordance with
9 this section. The authorized entity or authorized individual shall store an
10 epinephrine auto-injector in a location readily accessible in an emergency and in
11 accordance with the epinephrine auto-injector's instructions for use. An authorized
12 entity shall designate an employee or agent who has completed the training required
13 in sub. (5) to be responsible for the storage, maintenance, control, and general
14 oversight of epinephrine auto-injectors acquired by the authorized entity.

15 **SECTION 5.** 255.07 (4) (intro.) of the statutes is amended to read:

16 255.07 (4) USE OF EPINEPHRINE AUTO-INJECTORS. (intro.) An employee or agent
17 of an authorized entity, an authorized individual, or other individual, who has
18 completed the training required by sub. (5) may use an epinephrine auto-injector
19 prescribed under sub. (2) to do any of the following:

20 **SECTION 6.** 255.07 (4) (b) of the statutes is amended to read:

21 255.07 (4) (b) Administer an epinephrine auto-injector to any individual who
22 the employee, agent, or ~~other~~ individual believes in good faith is experiencing
23 anaphylaxis, regardless of whether the individual has a prescription for an
24 epinephrine auto-injector or has previously been diagnosed with an allergy.

25 **SECTION 7.** 255.07 (5) (a) (intro.) of the statutes is amended to read:

SENATE BILL 209**SECTION 7**

1 255.07 (5) (a) (intro.) An employee, agent, or ~~other~~ individual described in sub.
2 (3) or (4) shall complete an anaphylaxis training program and at least every 4 years
3 thereafter. The employee, agent, or ~~other~~ individual shall complete a training
4 program conducted by a nationally recognized organization experienced in training
5 laypersons in emergency health treatment or an organization approved by the
6 department. The department may approve an organization to conduct training,
7 either online or in person, that covers, at a minimum, all of the following:

8 **SECTION 8.** 255.07 (6) (a) 1. of the statutes is amended to read:

9 255.07 (6) (a) 1. An authorized entity or authorized individual that possesses
10 and makes available an epinephrine auto-injector and its employees, agents,
11 authorized individuals, and other individuals that store, maintain, control, oversee,
12 provide, or use an epinephrine auto-injector.

13 **SECTION 9.** 255.07 (6) (a) 2. of the statutes is amended to read:

14 255.07 (6) (a) 2. A health care practitioner who prescribes or dispenses an
15 epinephrine auto-injector to an authorized entity or authorized individual.

16 **SECTION 10.** 255.07 (6) (a) 3. of the statutes is amended to read:

17 255.07 (6) (a) 3. A pharmacist or other person who dispenses an epinephrine
18 auto-injector to an authorized entity or authorized individual.

19 **SECTION 11.** 450.11 (1) of the statutes is amended to read:

20 450.11 (1) DISPENSING. Except as provided in sub. (1i) (b) 2., no person may
21 dispense any prescribed drug or device except upon the prescription order of a
22 practitioner. All prescription orders shall specify the date of issue, the name and
23 address of the practitioner, the name and quantity of the drug product or device
24 prescribed, directions for the use of the drug product or device, the symptom or
25 purpose for which the drug is being prescribed if required under sub. (4) (a) 8., and,

SENATE BILL 209**SECTION 11**

1 if the order is written by the practitioner, the signature of the practitioner. Except
2 as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1., 448.035 (2), and 448.037
3 (2) (a) 1. and except for standing orders issued under s. 441.18 (2) (a) 2. or 448.037
4 (2) (a) 2., all prescription orders shall also specify the name and address of the
5 patient. A prescription order issued under s. 118.2925 (3) shall specify the name and
6 address of the school. A prescription order issued under s. 255.07 (2) shall specify
7 the name and address of the authorized entity or authorized individual. Any oral
8 prescription order shall be immediately reduced to writing by the pharmacist and
9 filed according to sub. (2).

10 **SECTION 12.** 450.11 (4) (a) 5. d. of the statutes is amended to read:

11 450.11 (4) (a) 5. d. For an epinephrine auto-injector prescribed under s.
12 118.2925 (3) or 255.07 (2), the name of the school, authorized entity, authorized
13 individual, or other person specified under s. 255.07 (3).

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(END)