

# State of Wisconsin



2017 Assembly Bill 96

Date of enactment: **December 11, 2017**

Date of publication\*: **December 12, 2017**

## 2017 WISCONSIN ACT 133

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

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

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

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

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

255.07 (1) (bg) "Authorized individual" means an individual who has successfully completed the training program under sub. (5).

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

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

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

255.07 (4) (a) Provide one or more epinephrine auto-injectors to any individual who the employee, agent, or authorized individual believes in good faith is experiencing anaphylaxis, or to the parent, guardian, or caregiver of that individual for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

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

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

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

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

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

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

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

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

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

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

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

255.07 (6) (e) Nothing in this section creates or imposes any duty, obligation, or basis for liability on any authorized entity, or its employees, agents, or ~~other~~ authorized individuals, to acquire or make available an epinephrine auto-injector.

**SECTION 10g.** 255.07 (6) (f) of the statutes is created to read:

255.07 (6) (f) Nothing in this section creates or imposes any duty, obligation, or basis for liability on any employer or any other person to supervise or exercise control over an individual's provision or administration of an epinephrine auto-injector, if the employer or other person reasonably believes the individual is acting as an authorized individual under this section.

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

450.11 (1) DISPENSING. Except as provided in sub. (1) (b) 2., no person may dispense any prescribed drug or device except upon the prescription order of a practitioner. All prescription orders shall specify the date of issue, the name and address of the practitioner, the name and quantity of the drug product or device prescribed, directions for the use of the drug product or device, the symptom or purpose for which the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is written by the practitioner, the signature of the practitioner. Except as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1., 448.035 (2), and 448.037 (2) (a) 1. and except for standing orders issued under s. 441.18 (2) (a) 2. or 448.037 (2) (a) 2., all prescription orders shall also specify the name and address of the patient. A prescription order issued under s. 118.2925 (3) shall specify the name and address of the school. A prescription order issued under s. 255.07 (2) shall specify the name and address of the authorized entity or authorized individual. Any oral prescription order shall be immediately reduced to writing by the pharmacist and filed according to sub. (2).

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

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