



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 398**  
[2005 Assembly Bill 1132]

**Inhalers in Private Schools**

2005 Wisconsin Act 398 extends statutes previously applicable only to an asthmatic pupil's possession and use of an inhaler at a public school to also include asthmatic pupils enrolled in a private school.

As affected by Act 398, the statutes provide that an asthmatic pupil, while in a public or private school, at a public or private school-sponsored activity, or under the supervision of a school authority may possess and use an inhaler if all of the following apply: (1) the pupil uses the inhaler before exercise or to alleviate asthmatic symptoms; (2) the pupil has 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 (3) the pupil has provided the school principal with a copy of the approval or approvals.

Also, Act 398 extends the exemption from civil liability for injury to a pupil caused by an employee who prohibits a pupil from using an inhaler because of the employee's good faith belief that the above requirements were not satisfied or who allows a pupil to use an inhaler because of the employee's good faith belief that the above requirements had been satisfied to private schools and private school employees. (Prior law applied this exemption only to school districts, school boards, and school district employees.)

***Effective Date:*** May 25, 2006.

***Prepared by:*** Joyce L. Kiel, Senior Staff Attorney

May 17, 2006

JLK:rv:ksm

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.