



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 416

Assembly Amendment 1

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Senate Bill 416, as passed by the Senate, relates to current law permitting students to possess and use an epinephrine auto-injector while in school or at a school-sponsored activity.

Current Law

Current law permits a student to possess and use an epinephrine auto-injector while in school, at a school-sponsored activity, or under the supervision of a school authority if: (1) the student uses the epinephrine auto-injector to prevent the onset or alleviate the symptoms of an emergency situation; (2) the student has written approval of his or her physician and parent or guardian; and (3) the student has provided the principal with a copy of the approval.

Current law provides that no school board, school district, private school, or tribal school, or any employee is civilly liable for an injury incurred by any of the following:

- A student as a result of using an epinephrine auto-injector.
- Any person as a result of a student possessing or using an epinephrine auto-injector.

Senate Bill 416, as Amended by the Senate

Senate Bill 416 requires each school board and the governing body of each private or tribal school to adopt a written policy describing the procedure for a student's possession and use of an epinephrine auto-injector. The policy must require school employees to do both of the following:

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

- If the student notifies a school employee that he or she used the epinephrine auto-injector, report this by calling 911.

Assembly Amendment 1

Assembly Amendment 1 provides that school employees are not required to report a pupil's use of an epinephrine auto-injector if any of the following applies:

- A health care provider observes the pupil after the pupil uses the epinephrine auto-injector and determines that it is not necessary to call "911" .
- A school employee knows that a person other than a school employee reported the pupil's use of the epinephrine auto-injector by calling "911" or an emergency medical service provider) or otherwise contacted the next appropriate level of emergency care."

Senate Action

The Senate adopted Senate Amendment 1 which repealed the portion of the bill that granted civil immunity for an injury incurred by any person as a result of a school employee failing to inform a pupil that he or she must notify a school employee if he or she uses an epinephrine auto-injector or failing to report a student's use of an epinephrine auto-injector.

Bill History

The Senate adopted Senate Amendment 1 on a voice vote and passed the bill, as amended, on a voice vote.

Representative Strachota offered Assembly Amendment 1 on February __, 2014.

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