

# State of Wisconsin



2011 Senate Bill 45

Date of enactment: **November 23, 2011**

Date of publication\*: **December 8, 2011**

## 2011 WISCONSIN ACT 86

AN ACT *to renumber and amend* 118.29 (6); *to amend* 115.001 (11), 118.29 (2) (a) 1. a. and 118.29 (2) (a) 2.; and *to create* 118.29 (6) (a) 1., 2., 3., 4., 5. and 6. and 118.29 (6) (c) of the statutes; **relating to:** administration of medication to pupils.

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

**SECTION 1.** 115.001 (11) of the statutes is amended to read:

115.001 (11) SCHOOL NURSE. "School nurse" means a registered nurse licensed under s. 441.06 ch. 441 or in a party state, as defined in s. 441.50 (2) (j), who also meets the qualifications for school nurses prescribed by the department by rule submits evidence satisfactory to the department that he or she has successfully completed a course, determined to be satisfactory to the department, in public health or community health.

**SECTION 4.** 118.29 (2) (a) 1. a. of the statutes, as affected by 2009 Wisconsin Act 160, is amended to read:

118.29 (2) (a) 1. a. Except as provided in subd. 1. b., may administer any nonprescription drug product which may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions of the pupil's parent or guardian if the pupil's parent or guardian consents in writing. If the nonprescription drug product is supplied by the pupil's parent or guardian, the nonprescription drug product shall be supplied in the original manufacturer's package, and the package lists must list the ingredients and recommended therapeutic dose in a legible format.

**SECTION 5.** 118.29 (2) (a) 2. of the statutes, as affected by 2009 Wisconsin Act 160, is amended to read:

118.29 (2) (a) 2. May administer a prescription drug to a pupil in compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing; the prescription drug is supplied ~~by the pupil's parent or guardian~~ in the original pharmacy-labeled package; and the package specifies the name of the pupil, the name of the prescriber, the name of the prescription drug, the dose, the effective date, and the directions in a legible format.

**SECTION 6.** 118.29 (6) of the statutes, as created by 2009 Wisconsin Act 160, is renumbered 118.29 (6) (a) (intro.) and amended to read:

118.29 (6) (a) (intro.) Notwithstanding sub. (2) (a) 1. to 2r., and subject to pars. (b) and (c), no school bus driver, employee, or volunteer may administer -a- any of the following nonprescription drug product products or prescription drug under sub. (2) (a) 1. or 2., use an epinephrine auto-injector under sub. (2) (a) 2m., or administer glucagon under sub. (2) (a) 2r. drugs unless he or she has received training, approved by the department, in administering these nonprescription drug products and prescription drugs.;

(b) This subsection does not apply to health care professionals.

\* Section 991.11, WISCONSIN STATUTES 2009-10 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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**SECTION 7.** 118.29 (6) (a) 1., 2., 3., 4., 5. and 6. of the statutes are created to read:

118.29 (6) (a) 1. A nonprescription drug product or prescription drug product that must be injected into a pupil.

2. A nonprescription drug product or prescription drug product that must be inhaled by a pupil.

3. A nonprescription drug product or prescription drug product that must be rectally administered to a pupil.

4. A nonprescription drug product or prescription drug product that must be administered into a nasogastric tube.

5. A nonprescription drug product or prescription

drug product that must be administered into a gastros-tomy tube.

6. A nonprescription drug product or prescription drug product that must be administered into a jejunostomy tube.

**SECTION 7m.** 118.29 (6) (c) of the statutes is created to read:

118.29 (6) (c) The training required under par. (a) need not be approved by the department when the training is completed by a school bus driver that transports only pupils enrolled in a private school, an employee of a private school, or a volunteer in or for a private school.

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