

State of Wisconsin



2023 Assembly Bill 223

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to renumber* 895.478 (2); *to renumber and amend* 895.478 (3) and 895.478 (4); and *to create* 895.478 (1) (title), 895.478 (2) (title) and 895.478 (3m) of the statutes; **relating to:** immunity from liability for administering an opioid antagonist.

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

SECTION 1. 895.478 (1) (title) of the statutes is created to read:

895.478 (1) (title) DEFINITIONS.

SECTION 2. 895.478 (2) (title) of the statutes is created to read:

895.478 (2) (title) RESIDENCE HALL DIRECTORS.

SECTION 3. 895.478 (2) of the statutes is renumbered 895.478 (2) (am).

SECTION 4. 895.478 (3) of the statutes is renumbered 895.478 (2) (bm) and amended to read:

895.478 (2) (bm) A residence hall director is immune from civil liability for his or her acts or omissions in administering an opioid antagonist under ~~sub. (2) par. (am)~~ unless the act or omission constitutes a high degree of negligence. This ~~subsection~~ paragraph does not apply to a residence hall director who is a health care professional.

SECTION 5. 895.478 (3m) of the statutes is created to read:

895.478 (3m) ELEMENTARY AND SECONDARY SCHOOLS. An elementary or secondary school and its designated school personnel, and a physician, advanced practice nurse prescriber, or physician assistant who provides or administers an opioid antagonist, are not liable for any injury that results from the opioid antagonist, regardless of whether authorization was given by the pupil's parent or guardian or by the pupil's physician, advanced practice nurse prescriber, or physician assistant, unless the injury is the result of an act or omission that constitutes gross negligence or willful or wanton misconduct. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48.

SECTION 6. 895.478 (4) of the statutes is renumbered 895.478 (2) (cm) and amended to read:

895.478 (2) (cm) An employer specified in sub. (1) (f) 1., 2., or 3. who approves training required under ~~sub. (2)-(a) par. (am) 1.~~ for the administration of opioid antagonists by a residence hall director is immune from civil liability for the act of approval unless it constitutes a high degree of negligence.

* 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."