

State of Wisconsin



2023 Senate Bill 447

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to amend* 450.11 (1); and *to create* 118.294 and 448.03 (2) (qm) of the statutes; **relating to:** undesignated glucagon in schools.

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

SECTION 1. 118.294 of the statutes is created to read:

118.294 Undesignated glucagon. (1) DEFINITIONS.

In this section:

(a) “Advanced practice nurse prescriber” means an advanced practice nurse who is certified under s. 441.16.

(am) “Advanced practice registered nurse” has the meaning given in s. 154.01 (1g).

(b) “Diabetes medical management plan” means a document developed by the personal health care team of a pupil that sets out the health services needed by the pupil at school and at school–sponsored activities and is signed by the personal health care team and the parent or guardian of the pupil.

(bm) “Diabetes provider” means a physician, physician assistant, or advanced practice registered nurse who has primary responsibility for the treatment and care of a pupil’s diabetes.

(c) “Physician” means a person licensed to practice medicine and surgery under ch. 448.

(d) “Physician assistant” means a person licensed under s. 448.974.

(f) “School” means a public school, including a charter school, or a private or tribal school.

(g) “School personnel” means an individual authorized under sub. (3) (b) to administer undesignated glucagon to a pupil.

(h) “Undesignated glucagon” means a glucagon approved by the federal food and drug administration for the treatment of severe hypoglycemia in a dosage form that can be rapidly administered to a patient with diabetes in a hypoglycemic emergency that is prescribed in the name of a school or school district.

(2) **PRESCRIPTIONS FOR SCHOOLS.** A physician, an advanced practice nurse prescriber, or a physician assistant may prescribe undesignated glucagon in the name of a school to be maintained by the school for use under sub. (3).

(3) **UNDESIGNATED GLUCAGON IN SCHOOLS.** (a) The governing body of a school may obtain a prescription for undesignated glucagon under sub. (2) and maintain a supply of undesignated glucagon in any secure location that is immediately accessible to school personnel. The governing body of a school shall maintain any supply of undesignated glucagon in accordance with the manufacturer’s instructions.

(b) If authorized in writing by the governing body of a school, a school principal or school administrator, or the administrator of a county children with disabilities edu-

* 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.”

cation board or cooperative educational service agency, any of the following may administer, on school premises or at a school-sponsored activity, undesignated glucagon to a pupil in accordance with the pupil's diabetes medical management plan or the pupil's diabetes provider's order for glucagon if the pupil's prescribed glucagon is not available on-site or has expired:

1. A school bus operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is operating.
2. A school employee or volunteer.
3. A county children with disabilities education board employee or volunteer.
4. A cooperative educational service agency employee or volunteer.

(c) As soon as practicable after the administration of undesignated glucagon, school personnel shall report the administration by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider and notify all of the following of the administration of undesignated glucagon to the pupil:

1. The school nurse, if an individual other than the school nurse administered the glucagon.
2. The pupil's parent, guardian, or emergency contact, if known.
3. The pupil's health care provider, if known.

(3m) INDEPENDENT AUTHORITY. The authority to administer undesignated glucagon under sub. (3) (b) is independent of the authority to administer glucagon under s. 118.29 (2) (a) 2. and 2r.

(4) IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF MEDICINE. (a) A school and its school personnel, and a physician, an advanced practice nurse prescriber, or a physician assistant who provides a prescription or standing order for undesignated glucagon are not liable for any injury that results from the administration of undesignated glucagon under this section, regardless of whether authorization was given by the pupil's parent or guardian or by the pupil's diabetes provider, 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 paragraph is in addition to and not in lieu of that provided under s. 895.48.

(b) Nothing in this section creates or imposes any duty, obligation, or basis for liability on any governing

body of a school, any school personnel, or any other employee or agent of a school or school board to acquire, make available, or administer undesignated glucagon.

(c) 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 undesignated glucagon if the employer or other person reasonably believes the individual is acting under authorization under sub. (3) (b).

(5) HEALTH CARE PROFESSIONALS. Nothing in this section prohibits a health care professional, as defined in s. 118.29 (1) (c), from acting within the scope of practice of the health care professional's license, certificate, permit, or registration.

SECTION 2. 448.03 (2) (qm) of the statutes is created to read:

448.03 (2) (qm) The administration of undesignated glucagon in accordance with s. 118.294.

SECTION 3. 450.11 (1) of the statutes is amended to read:

450.11 (1) **DISPENSING.** Except as provided in sub. (1i) (b) 2., no person may dispense any prescribed drug or device except upon the prescription order of a practitioner. All prescription orders shall, except as provided in sub. (1a), 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), 118.294 (2), 255.07 (2), 441.18 (2) (a) 1., 448.035 (2), 448.037 (2) (a) 1., 448.9725 (2), and 448.9727 (2) (a) 1. and except for standing orders issued under s. 441.18 (2) (a) 2., 448.037 (2) (a) 2., or 448.9727 (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) or 118.294 (2) 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).