

## Chapter 118.29 (2)

### Administration of Drugs to Pupils and Emergency Care

#### **(2) Authority to administer drug: civil liability and exemption**

(a) Notwithstanding chs. 441, 447, 448, and 450, 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, any school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative education service agency employee or volunteer authorized in writing by the administrator of the school district, the board or the agency, respectively, or by a school principal, and any private school employee or volunteer authorized in writing by a private school administrator or private school principal:

1. May administer any drug 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.

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.

2m. Except for epinephrine administration under subd. 2., may use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction if, as soon as practicable, the school bus operator, employee or volunteer reports the allergic reaction 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.

2r. Except for glucagon administered under subd. 2., may administer glucagons to any pupil who appears to be experiencing a severe hypoglycemic event if, as soon as practicable, the school bus operator, employee, or volunteer reports the event to an emergency medical service provider.

3. Is immune from civil liability for his or her acts or omissions in administering a drug or prescription drug to a pupil under subd. 1., 2., 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

(b) Any school district administrator, county children with disabilities education board administrator, cooperative educational service agency administrator, public or private school principal or private school administrator who authorizes an employee or volunteer to administer a drug or prescription drug to a pupil under par.

(a) is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence.

#### **(3) Emergency Care: Civil Liability Exemption.**

Any school bus operator validly authorized under s. 343.12 and 343.17 (3) (c) to operate the school bus he or she is operating and any public or private school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative educational service agency employee or volunteer, other than a health care professional, who in good faith renders emergency care to a pupil of a public or private school is immune from civil liability for his or her acts or omissions in rendering such

emergency care. The immunity from civil liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48 (1).

**(4) Written Policies.**

Any school board, county children with disabilities education board, cooperative educational service agency or governing body of a private school whose employees or volunteers may be authorized to administer drugs or prescription drugs to pupils under this section shall adopt a written policy governing the administration of drugs and prescription drugs to pupils. In developing the policy, the school board, agency, or governing body shall seek the assistance of one or more appropriate health care professionals who are employees of the school board, board, agency or governing body or are providing services or consultation under s. 121.02 (1) (g).

The policy shall include procedure for obtaining and filing in the school or another appropriate facility the written instructions and consent required under sub. (2) (a), for the periodic review of such written instructions, for the storing of drugs and prescription drugs, for record keeping and for the appropriate instruction of persons who may be authorized to administer drugs or prescription drugs to pupils under this section.

**(5) Exemption.** No employee except a health care professional may be required to administer a drug or prescription drug to a pupil under this section by any means other than ingestion.