



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4156/1  
KMS:cdc

## 2023 SENATE BILL 447

September 20, 2023 - Introduced by Senators JAMES, TAYLOR, CABRAL-GUEVARA, FELZKOWSKI, QUINN and SPREITZER, cosponsored by Representatives MOSES, ROZAR, BALDEH, BRANDTJEN, CABRERA, CONLEY, GUSTAFSON, MAXEY, MURPHY, O'CONNOR, OHNSTAD, ORTIZ-VELEZ, RATCLIFF, SPIROS, SUBECK, TUSLER and MELOTIK. Referred to Committee on Health.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

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

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### *Analysis by the Legislative Reference Bureau*

This bill allows physicians, advanced practice nurse prescribers, and physician assistants to provide prescriptions and standing orders for glucagon rescue therapies for the treatment of severe hypoglycemia to public, private, and tribal schools. Under the bill, the governing body of a school may maintain a supply of a glucagon rescue therapy. The governing body of a school may authorize school personnel to administer the glucagon rescue therapy to a pupil on school premises or at a school-sponsored activity if the pupil's prescribed glucagon is not available on-site or has expired. The bill requires the school personnel to report the administration of the glucagon rescue therapy as soon as practicable to an emergency medical service provider, to the school nurse if the school nurse did not administer the glucagon rescue therapy, to the pupil's parent, guardian, or emergency contact, if known, and to the pupil's health care provider, if known. Under the bill, 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 to a school for a glucagon rescue therapy are not liable for any injury that results from the administration of the glucagon rescue therapy unless the injury is

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the result of an act or omission that constitutes gross negligence or willful or wanton misconduct.

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

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

2           **118.294 Ready-to-use glucagon rescue therapies. (1) DEFINITIONS.** In  
3 this section:

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

6           (b) “Diabetes care plan” means a document that specifies the diabetes-related  
7 services needed by a pupil at school and at school-sponsored activities and identifies  
8 the appropriate staff to provide and supervise these services.

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

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

12           (e) “Ready-to-use undesignated glucagon rescue therapy” means a glucagon  
13 rescue therapy approved by the federal food and drug administration that does not  
14 require reconstitution for the treatment of severe hypoglycemia in a dosage form that  
15 can be rapidly administered to a patient in an emergency, including prefilled  
16 injectable or nasally administered glucagon, prescribed in the name of a school or  
17 school district.

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

19           (g) “School personnel” means a person who is employed by a school or school  
20 district, a person who is employed by a local health department and assigned to a

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1 school, or a person who contracts with a school or school district to perform services  
2 in connection with a pupil's diabetes care plan.

3 (2) PRESCRIPTIONS FOR SCHOOLS. A physician, an advanced practice nurse  
4 prescriber, or a physician assistant may prescribe a ready-to-use undesignated  
5 glucagon rescue therapy in the name of a school to be maintained by the school for  
6 use under sub. (3). Ready-to-use undesignated glucagon rescue therapy  
7 prescriptions shall be accompanied by a standing order for the administration of  
8 school-supplied, ready-to-use undesignated glucagon rescue therapy for  
9 potentially severe hypoglycemic reactions.

10 (3) READY-TO-USE UNDESIGNATED GLUCAGON RESCUE THERAPIES IN SCHOOLS. (a)  
11 The governing body of a school may obtain a standing order for a ready-to-use  
12 undesignated glucagon rescue therapy and maintain a supply of the ready-to-use  
13 undesignated glucagon rescue therapy in any secure location that is immediately  
14 accessible to school personnel. The governing body of a school shall maintain any  
15 supply of ready-to-use undesignated glucagon rescue therapy in accordance with  
16 the manufacturer's instructions.

17 (b) The governing body of a school may authorize school personnel to  
18 administer, on school premises or at a school-sponsored activity, a ready-to-use  
19 undesignated glucagon rescue therapy to a pupil in accordance with a standing order  
20 from a physician, an advanced practice nurse practitioner, or a physician assistant  
21 if the pupil's prescribed glucagon is not available on-site or has expired.

22 (c) As soon as practicable after the administration of a ready-to-use  
23 undesignated glucagon rescue therapy, school personnel shall report the  
24 administration by dialing the telephone number "911" or, in an area in which the  
25 telephone number "911" is not available, the telephone number for an emergency

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1 medical service provider and notify all of the following of the administration of  
2 undesignated glucagon to the pupil:

3 1. The school nurse, if an individual other than the school nurse administered  
4 the glucagon.

5 2. The pupil's parent, guardian, or emergency contact, if known.

6 3. The pupil's health care provider, if known.

7 **(4) IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF MEDICINE.** A  
8 school and its school personnel, and a physician, an advanced practice nurse  
9 prescriber, or a physician assistant who provides a prescription or standing order for  
10 a ready-to-use undesignated glucagon rescue therapy are not liable for any injury  
11 that results from the administration of a ready-to-use undesignated glucagon  
12 rescue therapy under this section, regardless of whether authorization was given by  
13 the pupil's parent or guardian or by the pupil's physician, advanced practice nurse  
14 prescriber, or physician assistant, unless the injury is the result of an act or omission  
15 that constitutes gross negligence or willful or wanton misconduct. The immunity  
16 from liability provided under this subsection is in addition to and not in lieu of that  
17 provided under s. 895.48.

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

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

22 448.03 **(2)** (qm) The administration of a ready-to-use undesignated glucagon  
23 rescue therapy in accordance with s. 118.294.

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

