

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** November 8, 2023

**Contact:** Katie Bender-Olson, Principal Attorney

**2023 Assembly Bill 223**

**Assembly Substitute  
Amendment 1**

### **2023 ASSEMBLY BILL 223**

2023 Assembly Bill 223 requires every school board and private school governing body to ensure that each school has an adequate, usable supply of an opioid antagonist on site in a location that is easily accessible at all times. As defined in current law, “opioid antagonist” means a drug, such as naloxone, that: (1) binds to the opioid receptors and competes with or displaces opioid agonists at the opioid receptor site but does not activate the receptors, effectively blocking the receptor and preventing or reversing the effect of an opioid agonist; and (2) is not a controlled substance. [s. 450.01 (13v), Stats.]

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

Unlike Assembly Bill 223, the substitute amendment does not require public and private schools to have an easily accessible supply of opioid antagonist on site. Instead, the substitute amendment grants civil immunity for schools, school personnel, and particular medical professionals who provide or administer an opioid antagonist. Specifically, the amendment provides that 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.

The immunity applies regardless of whether the student’s parent or guardian or the student’s physician, advanced practice nurse prescriber, or physician assistant gave authorization. However, the civil immunity does not apply if the injury is the result of an act or omission that constitutes gross negligence or willful or wanton misconduct.

### **BILL HISTORY**

Representative Zimmerman offered Assembly Substitute Amendment 1 on September 20, 2023. On November 8, 2023, the Assembly Committee on Education adopted the substitute amendment, and Assembly Bill 223, as amended, on votes of Ayes, 14; Noes, 0.

For a full history of the bill, visit the Legislature’s [bill history page](#).

KBO:jal