



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0226/4  
PG:kjf&cjs:rs

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 243**

October 26, 2011 – Offered by Senator DARLING.

1     **AN ACT** *to amend* 119.04 (1); and *to create* 118.293 of the statutes; **relating to:**  
2             concussions and other head injuries sustained in youth athletic activities.

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

3             **SECTION 1.** 118.293 of the statutes is created to read:

4             **118.293 Concussion and head injury.** (1) In this section, “youth athletic  
5     activity” means an organized athletic activity in which the participants, a majority  
6     of whom are under 19 years of age, are engaged in an athletic game or competition  
7     against another team, club, or entity, or in practice or preparation for an organized  
8     athletic game or competition against another team, club, or entity. “Youth athletic  
9     activity” does not include a college or university activity or an activity that is  
10    incidental to a nonathletic program.

11            **(2)** (a) In consultation with the Wisconsin Interscholastic Athletic Association,  
12    the department shall develop guidelines and other information for the purpose of

1 educating athletic coaches and pupil athletes and their parents or guardians about  
2 the nature and risk of concussion and head injury in youth athletic activities.

3 (b) The department shall develop a model emergency plan that addresses  
4 concussions and other head injuries for use by school districts and other operators  
5 of youth athletic activities.

6 (3) At the beginning of a season for a youth athletic activity, the person  
7 operating the youth athletic activity shall distribute a concussion and head injury  
8 information sheet to each person who will be coaching that youth athletic activity  
9 and to each person who wishes to participate in that youth athletic activity. No  
10 person may participate in a youth athletic activity unless the person returns the  
11 information sheet signed by the person and, if he or she is under the age of 19, by his  
12 or her parent or guardian.

13 (4) (a) The athletic coach of a person involved in a youth athletic activity, or an  
14 official involved in a youth athletic activity, shall remove the person from the youth  
15 athletic activity if the coach or official suspects that the person exhibits signs,  
16 symptoms, or behavior that are consistent with a concussion or head injury and that  
17 cannot readily be explained by a condition other than concussion or head injury.

18 (b) 1. A person who has been removed from a youth athletic activity under par.  
19 (a) may not participate in a youth athletic activity until all of the following occur:

20 a. The person is evaluated by a licensed health care provider, practicing within  
21 the scope of his or her license, who has been trained in the evaluation and  
22 management of concussion and head injuries.

23 b. The person receives a written clearance from the health care provider under  
24 subd. 1. a. to participate in the activity. The written clearance shall provide for a

1 gradual return to the activity, increasing to full participation in the activity unless  
2 symptoms of concussion or head injury recur.

3 c. The person receives written approval from his or her parent or guardian to  
4 participate in the activity.

5 2. Notwithstanding subd. 1., a person removed from a youth athletic activity  
6 under par. (a) may not participate further in a youth athletic activity on the day on  
7 which he or she is removed.

8 (c) Nothing in par. (a) prevents the parent or guardian of a person participating  
9 in a youth athletic activity or a licensed health care provider described under par. (b)  
10 1. a. from removing the person from the youth athletic activity.

11 (5) (a) An athletic coach, official involved in an athletic activity, or volunteer  
12 who fails to remove a person from a youth athletic activity under sub. (4) (a) is  
13 immune from civil liability for any injury resulting from that omission unless it  
14 constitutes gross negligence or willful or wanton misconduct.

15 (b) A volunteer who authorizes a person to participate in a youth athletic  
16 activity under sub. (4) (b) 1. b. is immune from civil liability for any injury resulting  
17 from that act unless the act constitutes gross negligence or willful or wanton  
18 misconduct.

19 (6) This section does not create any liability for, or a cause of action against,  
20 any person.

21 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and  
22 32, is amended to read:

23 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
24 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
25 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,

1 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
2 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24  
3 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.293, 118.30  
4 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,  
5 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),  
6 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and  
7 board.

8 (END)