

**2013 DRAFTING REQUEST**

**Bill**

Received: **5/9/2013** Received By: **pgrant**  
Wanted: **As time permits** Same as LRB:  
For: **Frederick Kessler (608) 266-5813** By/Representing: **Ritch Williams**  
May Contact: Drafter: **pgrant**  
Subject: **Education - miscellaneous** Addl. Drafters:  
Extra Copies: **TKK**  
**FFK**

Submit via email: **YES**  
Requester's email: **Rep.Kessler@legis.wisconsin.gov**  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Training in concussions for officials at youth athletic activities

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 5/9/2013	evinz 5/10/2013		_____			
/1	pgrant 5/29/2013	evinz 5/29/2013	jmurphy 5/29/2013	_____	srose 5/10/2013	mbarman 5/14/2013	
/2				_____	mbarman 5/29/2013	mbarman 5/29/2013	

FE Sent For:

↳ Not  
Needed

<END>

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/1			phenry 5/10/2013	_____	srose 5/10/2013	mbarman 5/14/2013	

FE Sent For: *12 eev*  
*5/29/13* *Jan 5/29* *Jan + JB 5/29*  
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1?	pgrant	1 rev 5/10/13	1 rev 5/9/13	5/10 phl	85		

FE Sent For:

<END>

## Grant, Peter

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**From:** Dodge, Tamara  
**Sent:** Friday, May 03, 2013 5:01 PM  
**To:** Grant, Peter; Kuczenski, Tracy (Tracy.Kuczenski@legis.wisconsin.gov)  
**Subject:** FW: Email from LRB Website

Peter and Tracy,

I don't know if this draft request below is a health draft. Does the education drafting area cover the officials in youth sporting events, at least the school officials? Who would draft the community officials? Let me know if you want this as an education draft or if you want me to cover it in health.

Thanks,  
Tami

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Williams, Ritch  
**Sent:** Friday, May 03, 2013 4:16 PM  
**To:** Dodge, Tamara  
**Subject:** Email from LRB Website

Tamara –

Representative Kessler would like to have a bill drafted which requires all officials in youth sporting events to receive concussion instruction and continuing education, pursuant to the policies in place requiring as such in Michigan, Minnesota, and Ohio. As you are probably aware, youths that suffer concussions in school and community sports activities are susceptible to very serious health matters if they are allowed to return to play before they have fully recovered. While Wisconsin requires parent and/or guardian consent, coaches' consent, and athletes' consent before the child is allowed to return to play, the one factor that is missing (and which may be the only truly impartial participant) is the official. I would like to have a bill drafted which requires all officials in youth school and community sports activities to have concussion instruction and continuing education on concussion injuries.

Thank you,  
Ritch Williams  
Office of Rep. Fred Kessler

Minn

**121A.38 CONCUSSION PROCEDURES.**

Subdivision 1. **Definitions.** (a) For purposes of this section and section 121A.37, the following terms have the meanings given them.

(b) "Concussion" means a complex pathophysiological process affecting the brain, induced by traumatic biokinetic forces caused by a direct blow to either the head, face, or neck, or elsewhere on the body with an impulsive force transmitted to the head, that may involve the rapid onset of short-lived impairment of neurological function and clinical symptoms, loss of consciousness, or prolonged postconcussive symptoms.

(c) "Provider" means a health care provider who is:

(1) registered, licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment;

(2) trained and experienced in evaluating and managing pediatric concussions; and

(3) practicing within the person's medical training and scope of practice.

(d) "Youth athlete" means a young person through age 18 who actively participates in an athletic activity, including a sport.

(e) "Youth athletic activity" means any sport or other athletic activity related to competition, practice, or training exercises which is intended for youth athletes and at which a coach or official is present in an official capacity as a coach or official. For purposes of school-sponsored sports under this section, youth athletic activities are extracurricular athletic activities.

Subd. 2. **School-sponsored sports.** (a) The appropriate sports governing body, including the high school league under chapter 128C, among other sports governing bodies, shall work with public and nonpublic school coaches, officials, and youth athletes and their parents or guardians to make information available about the nature and risks of concussions, including the effects of continuing to play after receiving a concussion. The information shall include protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention, related to:

(1) the nature and risks of concussions associated with athletic activity;

(2) the signs, symptoms, and behaviors consistent with a concussion;

(3) the need to alert appropriate medical professionals for urgent diagnosis and treatment when a youth athlete is suspected or observed to have received a concussion; and

(4) the need for a youth athlete who sustains a concussion to follow proper medical direction and protocols for treatment and returning to play.

A sports governing body that posts or provides appropriate links to the information indicated in this paragraph has complied with the requirements of this paragraph.

(b) Consistent with paragraph (a), the appropriate sports governing body shall provide access to the Concussion in Youth Sports online training program available on the Centers for Disease Control and Prevention Web site. Each school coach and official involved in youth athletic activities must receive initial online training and online training at least once every three school years thereafter.

}

(c) At the start of each school year, school officials shall make information available about the nature and risks of concussions to youth athletes and their parents or guardians. If a parent of a youth athlete must sign a consent form to allow the youth athlete to participate in a school-sponsored athletic activity, the form must include information about the nature and risk of concussions.

(d) A coach or official shall remove a youth athlete from participating in any youth athletic activity when the youth athlete:

- (1) exhibits signs, symptoms, or behaviors consistent with a concussion; or
- (2) is suspected of sustaining a concussion.

(e) When a coach or official removes a youth athlete from participating in a youth athletic activity because of a concussion, the youth athlete may not return to the activity until the youth athlete:

- (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and
- (2) is evaluated by a provider trained and experienced in evaluating and managing concussions and the provider gives the youth athlete written permission to again participate in the activity.

(f) Failing to remove a youth athlete from an activity as required under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (g).

(g) This section does not create any additional liability for, or create any new cause of legal action against, a school or school district or any officer, employee, or volunteer of a school or school district.

**History:** 2011 c 90 s 2

**121A.37 YOUTH SPORTS PROGRAMS.**

(a) Consistent with section 121A.38, any municipality, business, or nonprofit organization that organizes a youth athletic activity for which an activity fee is charged shall:

(1) make information accessible to all participating coaches, officials, and youth athletes and their parents or guardians about the nature and risks of concussions, including the effects and risks of continuing to play after receiving a concussion, and the protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention, related to:

(i) the nature and risks of concussions associated with athletic activity;

(ii) the signs, symptoms, and behaviors consistent with a concussion;

(iii) the need to alert appropriate medical professionals for urgent diagnosis and treatment when a youth athlete is suspected or observed to have received a concussion; and

(iv) the need for a youth athlete who sustains a concussion to follow proper medical direction and protocols for treatment and returning to play; and

(2) require all participating coaches and officials to receive initial online training and online training at least once every three calendar years thereafter, consistent with clause (1) and the Concussion in Youth Sports online training program available on the Centers for Disease Control and Prevention Web site. }

(b) A coach or official shall remove a youth athlete from participating in any youth athletic activity when the youth athlete:

(1) exhibits signs, symptoms, or behaviors consistent with a concussion; or

(2) is suspected of sustaining a concussion.

(c) When a coach or official removes a youth athlete from participating in a youth athletic activity because of a concussion, the youth athlete may not again participate in the activity until the youth athlete:

(1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and

(2) is evaluated by a provider trained and experienced in evaluating and managing concussions and the provider gives the youth athlete written permission to again participate in the activity.

(d) Failing to remove a youth athlete from an activity under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (e).

(e) This section does not create any additional liability for, or create any new cause of legal action against, a municipality, business, or nonprofit organization or any officer, employee, or volunteer of a municipality, business, or nonprofit organization.

(f) For the purposes of this section, a municipality means a home rule charter city, a statutory city, or a town.

**History:** 2011 c 90 s 1

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

**333.9155 Concussions; educational materials on nature and risk; concussion awareness training program; availability of materials and program on website; definitions.**

Sec. 9155. (1) Before the expiration of 90 days after the effective date of this section, the department shall develop, adopt, or approve educational materials on the nature and risk of concussions.

(2) Before the expiration of 90 days after the effective date of this section, the department shall develop, adopt, or approve a concussion awareness training program in an electronic format that includes all of the following:

(a) The nature and risk of concussions.

(b) The criteria for the removal of an athlete from physical participation in an athletic activity due to a suspected concussion and his or her return to that athletic activity.

(c) The risks to an athlete of not reporting a suspected concussion and continuing to physically participate in the athletic activity.

(3) As soon as they are available, the department shall make the educational materials and training program required under this section available to the public on the department's internet website. The department shall make the training program available to all individuals required to participate in the program under section 9156 and to any interested individual including school personnel, coaches, parents, students, and athletes.

(4) As used in this section and section 9156:

(a) "Appropriate health professional" means a health professional who is licensed or otherwise authorized to engage in a health profession under article 15 and whose scope of practice within that health profession includes the recognition, treatment, and management of concussions.

(b) "Athletic activity" means a program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual. Athletic activity includes participation in physical education classes that are part of a school curriculum.

(c) "Concussion" means a type of traumatic brain injury as recognized by the centers for disease control and prevention. A concussion may cause a change in a person's mental status at the time of the injury, including, but not limited to, feeling dazed, disoriented, or confused, and may or may not involve a loss of consciousness. A concussion may be caused by any type of accident or injury including, but not limited to, the following:

(i) A fall.

(ii) A blow, bump, or jolt to the head or body.

(iii) The shaking or spinning of the head or body.

(iv) The acceleration and deceleration of the head.

(d) "Organizing entity" means any of the following:

(i) A school.

(ii) A state or local parks and recreation department or commission or other state or local entity.

(iii) A nonprofit or for-profit entity.

(iv) A public or private entity.

(e) "School" means a nonpublic school, public school, or public school academy as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(f) "Youth athlete" means an individual who participates in an athletic activity and who is under 18 years of age.

**History:** Add. 2012, Act 342, Eff. Mar. 28, 2013.

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

**333.9156 Sponsor or operation of athletic activity; compliance with section by organizing entity; exceptions.**

Sec. 9156. (1) An organizing entity that is subject to this section shall ensure that it is in compliance with this section before it sponsors or operates an athletic activity in which youth athletes will participate, if that athletic activity is subject to this section.

(2) Before a youth athlete may participate in an athletic activity sponsored by or operated under the auspices of an organizing entity, the organizing entity shall do all of the following:

(a) Comply with all the requirements of this section with regard to its coaches, employees, volunteers, and other adults who are involved with the participation of youth athletes in athletic activity sponsored by or operated under the auspices of that organizing entity and who are required to participate in the concussion awareness training program developed under section 9155.

(b) Provide the educational materials developed under section 9155 to each youth athlete who participates in an athletic activity sponsored by or operated under the auspices of the organizing entity and a parent or guardian of the youth athlete.

(c) Obtain a statement signed by each youth athlete and a parent or guardian of the youth athlete acknowledging receipt of the educational material developed under section 9155. The organizing entity shall maintain the statement obtained under this subdivision in a permanent file for the duration of that youth athlete's participation in athletic activity sponsored by or operated under the auspices of that organizing entity or until the youth athlete is 18 years of age. Upon request, the organizing entity shall make the statements obtained under this subdivision available to the department.

(3) A coach or other adult employed by, volunteering for, or otherwise acting on behalf of an organizing entity during an athletic event sponsored by or operated under the auspices of the organizing entity shall immediately remove from physical participation in an athletic activity a youth athlete who is suspected of sustaining a concussion during the athletic activity. A youth athlete who has been removed from physical participation in an athletic activity under this subsection shall not return to physical activity until he or she has been evaluated by an appropriate health professional and receives written clearance from that health professional authorizing the youth athlete's return to physical participation in the athletic activity. The organizing entity shall maintain a written clearance obtained under this subsection in a permanent file for the duration of that youth athlete's participation in athletic activity sponsored by or operated under the auspices of that organizing entity or until the youth athlete is 18 years of age. Upon request, the organizing entity shall make the written clearance obtained under this subsection available to the department.

(4) This section does not apply to an athletic activity sponsored by or operated under the auspices of an organizing entity if all of the following requirements are met:

(a) The entity is a member of a private nonprofit multisport statewide interscholastic athletic association.

(b) The athletic activity is governed by a rule established by the interscholastic athletic association described in subdivision (a), which rule establishes concussion protocols that are substantially similar to or more stringent than the concussion protocols in the training program developed, adopted, or approved under section 9155 and the removal from and return to physical activity requirements of this section, and includes an enforcement mechanism on its members.

(5) This section does not apply to an entity that would otherwise be considered an organizing entity under this section if the primary focus of the program or event sponsored by or operated under the auspices of that entity is not the participation in an organized athletic game or competition but that participation is only incidental to the primary focus of the program or event.

**History:** Add. 2012, Act 343, Eff. Mar. 28, 2013.

Ohio

### **3707.52 Concussion and head injury information sheet.**

(A) The department of health shall create a concussion and head injury information sheet for participants in interscholastic athletics and youth sports organizations. The department shall include in the information sheet pertinent information to inform and educate coaches, athletes, and the parents, guardians, or other persons having care or charge of athletes of the signs and symptoms of concussion or head injury and the risks of continuing to practice for or compete in an athletic event or activity after sustaining a concussion or head injury. The department periodically shall review the information sheet and update it accordingly.

The department shall make the information sheet available on its internet web site in a format suitable for easy downloading and printing.

(B) The department shall provide a link on its internet web site to one or more free online training programs in recognizing the symptoms of concussions and head injuries. The department shall include one or more programs that are appropriate for coaches or referees of schools or youth sports organizations seeking to fulfill the requirements of section 3313.539 or 3707.511 of the Revised Code.

Added by 129th General Assembly File No. 192, HB 143, §1, eff. 3/27/2013.

### **3707.511 [Effective 4/26/2013] Concussion awareness, training and procedures in youth sports organizations.**

(A) As used in this section, "physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) A youth sports organization shall provide to the parent, guardian, or other person having care or charge of an individual who wishes to practice for or compete in an athletic activity organized by a youth sports organization the concussion and head injury information sheet required by section 3707.52 of the Revised Code. The organization shall provide the information sheet annually for each sport or other category of athletic activity for or in which the individual practices or competes.

(C)

(1) No individual shall act as a coach or referee for a youth sports organization unless the individual holds a pupil-activity program permit issued under section ~~3319.303~~ of the Revised Code for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code.

(2) The youth sports organization for which the individual intends to act as a coach or referee shall inform the individual of the requirement described in division (C)(1) of this section.

(D) If an individual practicing for or competing in an athletic event organized by a youth sports organization exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the individual shall be removed from the practice or competition by one of the following:

- (1) The individual who is serving as the individual's coach during that practice or competition;
- (2) An individual who is serving as a referee during that practice or competition;
- (3) An official of the youth sports organization who is supervising that practice or competition.

(E)

(1) If an individual is removed from practice or competition under division (D) of this section, the coach, referee, or official who removed the individual shall not allow the individual, on the same day the individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible. Thereafter, the coach, referee, or official shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible until both of the following conditions are satisfied:

(a) The individual's condition is assessed by either of the following:

- (i) A physician;
  - (ii) Any other licensed health care provider the youth sports organization, pursuant to division (E)(2) of this section, authorizes to assess an individual who has been removed from practice or competition under division (D) of this section.
- (b) The individual receives written clearance that it is safe for the individual to return to practice or competition from a physician or from another licensed health care provider authorized pursuant to division (E)(2) of this section to grant the clearance.

(2) A youth sports organization may authorize a licensed health care provider who is not a physician to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in this state:

- (a) In consultation with a physician;
- (b) Pursuant to the referral of a physician;
- (c) In collaboration with a physician;

(d) Under the supervision of a physician.

(3) A physician or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.

(F)

(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

Added by 129th General Assembly File No. 192, HB 143, §1, eff. 4/26/2013.

## Grant, Peter

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**From:** Williams, Ritch  
**Sent:** Thursday, May 09, 2013 11:41 AM  
**To:** Grant, Peter  
**Subject:** RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

Then let's just that definition as a reference in the bill. Thanks.

-----Original Message-----

**From:** Grant, Peter  
**Sent:** Thursday, May 09, 2013 11:35 AM  
**To:** Williams, Ritch  
**Subject:** RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

Yes, state law defines "youth athletic activity." Here's the definition, which is in s. 118.293 (1) (c):

"Youth athletic activity" means an organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in an athletic game or competition against another team, club, or entity, or in practice or preparation for an organized athletic game or competition against another team, club, or entity. "Youth athletic activity" does not include a college or university activity or an activity that is incidental to a nonathletic program.

I think the definition excludes chess but includes bowling.

-----Original Message-----

**From:** Williams, Ritch  
**Sent:** Wednesday, May 08, 2013 4:42 PM  
**To:** Grant, Peter  
**Subject:** RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

Yeah...I guess I don't really know what is meant by "official" in state law either. My mind goes directly to on-field officials, but I assume there are "officials" for bowling, chess, etc. I don't know if chess is a sporting activity or not, but you see where I'm going. Does current state law refer to "youth athletic activities" directly? If so, that may be the way to go...it wouldn't hurt a bowling official, or anyone else, to have training on concussions.

-----Original Message-----

**From:** Grant, Peter  
**Sent:** Wednesday, May 08, 2013 4:37 PM  
**To:** Williams, Ritch  
**Subject:** RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

Nope, but it's been a while since my kids were enrolled in K-12. I just wondered because nothing in current law is applicable only to youth athletic activities for which an activity is charged. And if they all do charge a fee, I'm not sure that there's any reason to limit it to those that charge a fee. But it's your decision, obviously.

-----Original Message-----

**From:** Williams, Ritch  
**Sent:** Wednesday, May 08, 2013 4:34 PM  
**To:** Grant, Peter  
**Subject:** RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

I don't know of any youth sporting activities these days that don't require a fee to be charged. If they have officials, the kids (or parents) have to pay something. Do you know of any that do not?

-----Original Message-----

From: Grant, Peter  
Sent: Wednesday, May 08, 2013 4:32 PM  
To: Williams, Ritch  
Subject: RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

I wasn't sure you wanted to cover only those activities for which an activity fee is charged.

-----Original Message-----

From: Williams, Ritch  
Sent: Wednesday, May 08, 2013 4:30 PM  
To: Grant, Peter  
Subject: RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

I like the Minnesota approach. The DPI and the organizer of any community youth athletic activity (for which an activity fee is charged) shall provide access to the Concussion in Youth Sports training program available through the CDC and require officials to initially demonstrate completion of that training by December 31, 2014(?). Officials shall be required to demonstrate completion of that training at least every three years thereafter.

Does that sound plausible?

-----Original Message-----

From: Grant, Peter  
Sent: Wednesday, May 08, 2013 4:22 PM  
To: Williams, Ritch  
Subject: RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

I agree; I didn't see anything on the WIAA site that indicated that officials are required to demonstrate that they have received training in concussions.

So would you like DPI to develop or provide such training? Minnesota requires the "appropriate sports body" to provide access to the Concussion in Youth Sports online training program available on the CDC web site. We could direct DPI to do that. Minnesota then requires that an organizer of a youth athletic activity (for which an activity fee is charged) must require officials to receive that training, initially and then at least every three years.

Ohio requires something very similar. The official must present evidence (it doesn't say to whom) that he or she has successfully completed, within the previous three years, a training program in concussions to which its Department of Health has provided a link on its Internet site.

I suggest this: DPI must provide access for officials to the CDC training program. An individual may not act as an official at a YAA unless he or she presents evidence to the organizer of the YAA that he or she has completed the training program within the previous 3 years.

Let me know if this sounds okay to you.

Peter

-----Original Message-----

From: Williams, Ritch

Sent: Wednesday, May 08, 2013 4:00 PM

To: Grant, Peter

Subject: RE: Concussions | Health | Wisconsin Interscholastic Athletic Association

Thanks, Peter. I read through it and all the information that is given at the beginning of every season to coaches, parents, and athletes does not apply to officials. Officials don't seem to have any mandate to get training, much less an obligation to continue receiving education on concussions. I looked at the USA Hockey website to see if officials have to go through any training and nothing is specifically mentioned requiring them to do so. I also tried to look at the Wisconsin Amateur Hockey Association officials page to see if there was any information relating to the seminars that are offered to help officials improve and move up in levels (i.e. Level 1, 2, 3, 4, etc.) Again, I know there are various youth sporting organizations that take action on their own to protect kids by giving information to coaches, parents, and athletes...some may do the same for officials. But, there is nothing saying officials have to have training to be able to recognize that a child may have suffered a concussion.

That's what we want to do in the bill - if, in reviewing things you happen to notice any other oversights in terms of what is required of coaches, please let me know. I know they are given the same information that parents and athletes are given, but I don't know what type of material they cover when seeking licensure or certification, either by WIAA, USA Hockey, etc.

Ritch

-----Original Message-----

From: Grant, Peter

Sent: Wednesday, May 08, 2013 3:33 PM

To: Williams, Ritch

Subject: Concussions | Health | Wisconsin Interscholastic Athletic Association

<http://www.wiaawi.org/Health/Concussions.aspx>

Thought you might be interested in WIAA's internet material on concussion.

Peter

**BILL**

Date (time) needed \_\_\_\_\_

LRB - 234611

PG: eev : \_\_\_\_\_

Use the appropriate components and routines developed for bills.

SAJ  
xref N/A

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** *... requiring an official at a youth athletic activity to complete a training program on concussions.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create** → **anal:** → **title:** → **head**

For the subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create** → **anal:** → **text**

*(attached)*

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

**SECTION #.**

SEC. #. RN, 118.293 (2), 118.293 (2)(a)

SEC #. CR; 118.293 (2)(b)

118.293 (2)(b) The Department shall provide a link on its Internet site ~~access~~ to the "Concussion in Youth Sports" "Heads Up" online training program available on the Centers for Disease Control and Prevention Internet site.

SEC. # CR. 118.293 (2m)

(a)  
118.293 (2m) (A person operating a youth

athletic activity for which an activity fee is charged may not permit an individual

to serve as an official for the activity unless the individual provides evidence satisfactory to the operator that he or she has successfully

~~for which an activity fee is charged~~

~~118.293 (2m) No person may act as an official for a youth athletic activity, unless he or she presents evidence <sup>satisfactory</sup> to the operator of the youth athletic activity that he or she~~

~~has <sup>successfully</sup> completed <sup>↑</sup> the "Heads Up: Concussion in~~

~~YOUTH Sports" online training program available on the <sup>Internet</sup> site of the Centers for Disease Control and~~

~~Prevention. Internet site, within the previous 3 years.~~

(b) The department shall provide a link on its Internet site to the online training program described in par. (a).

**EFFECTIVE DATE**

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → \*NS: → **effdate**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION # \_\_\_\_\_ . Effective date.**

( #1 ) ( ) ..... This act takes effect  
 on *the first day of the 6th month beginning*  
*after publication*

1. In the component bar: For the action phrase, execute: *(END)* . **create** → **action:** → \*NS: → **effdateE**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION # \_\_\_\_\_ . Effective dates; .....**

..... This act takes effect on the day after publication, except as follows:

( #1 ) ( ) ..... The treatment of  
 sections .....  
 of the statutes takes effect on .....

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → \*NS: → **94XX**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9400** department code.

**SECTION 94 \_\_\_\_\_ . Effective dates; .....**

( #1 ) ( ) ..... The treatment of  
 sections .....  
 of the statutes takes effect on .....

## ANALYSIS

Under current law, a person operating a youth athletic activity, (defined as an organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in an athletic game or competition against another team, or in practice or preparation for such a game or competition) must distribute a concussion and head injury information

sheet to each coach and to each participant in the activity.

^ No person may participate <sup>in the activity</sup> unless the person

returns the sheet signed by the person and, if he or she is under 19 <sup>years of age</sup>, by his or her

parent.

This bill prohibits a person operating

a youth athletic activity for which an activity fee is charged from allowing an individual to serve as an official for the activity unless the individual presents evidence satisfactory to the operator that he or she has successfully completed, within the three previous years, the "Heads Up: Concussion in Youth Sports" online training program available on the Internet site of the Centers for Disease Control and Prevention.

The bill takes effect <sup>approximately</sup> six months after publication.

**Barman, Mike**

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**From:** Williams, Ritch  
**Sent:** Tuesday, May 14, 2013 9:41 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2346/1 Topic: Training in concussions for officials at youth athletic activities

Please Jacket LRB -2346/1 for the ASSEMBLY.

## Grant, Peter

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**From:** Williams, Ritch  
**Sent:** Wednesday, May 29, 2013 10:13 AM  
**To:** Grant, Peter  
**Subject:** RE: Concussion Training Bill

OK – sounds like a good solution.

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**From:** Grant, Peter  
**Sent:** Wednesday, May 29, 2013 10:12 AM  
**To:** Williams, Ritch  
**Subject:** RE: Concussion Training Bill

Hi Ritch,

How about if lines 5 to 7 read as follows: "...or she has successfully completed, within the 3 previous years, an online training program about concussions and head injuries in youth athletic activities that has been approved by the department." Paragraph (b) would direct DPI to provide a link to that course on its web site. Okay?

Peter

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**From:** Williams, Ritch  
**Sent:** Wednesday, May 29, 2013 8:48 AM  
**To:** Grant, Peter  
**Subject:** RE: Concussion Training Bill

Hi Peter –

Sorry for the delay in responding. I've been on vacation. It probably makes sense to give DPI the leadership role in this. If they are requiring concussion training of athletic officials for WIAA purposes, it probably doesn't make sense for the DPI to have its mandated program and then have the one we are proposing for officials in programs outside of WIAA to have different training. In the end, I guess the best idea would be to say that whatever DPI mandates for concussion training for its officials, the same mandate should apply to officials working outside of WIAA athletic contests.

What do you think?

Ritch

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**From:** Grant, Peter  
**Sent:** Friday, May 24, 2013 8:45 AM  
**To:** Williams, Ritch  
**Subject:** RE: Concussion Training Bill

Hi Ritch,

I'll redraft as you describe in your first paragraph. But I think if we make the second change, we would also have to change the first paragraph to allow DPI to choose the training program that's required. Do you want to do that?

Peter

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**From:** Williams, Ritch  
**Sent:** Tuesday, May 21, 2013 11:21 AM  
**To:** Grant, Peter  
**Subject:** Concussion Training Bill

Peter –

There has been some concerns raised by people who support the bill that by naming the CDC course that will be required, there is the possibility that at some point, the name of the course could be changed and the athletic organization would not be aware of it. Is there a way to draft the bill so that the CDC is referenced as in "...an online training program relating to concussions in youth sports available on the Internet site of the Centers for Diseases Control and Prevention..."?

Or, because the bill next directs the department to have a link to the training site on its own website, could we just insert a line such as "...or similar program..." after the "program" in line 6 of the bill?

Ritch



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2346/1  
PG:eev:ph

stays

2013 BILL

1 AN ACT <sup>regen</sup> to create 118.293 (2m) of the statutes; relating to: requiring an official  
2 at a youth athletic activity to complete <sup>an online</sup> a training program on concussions.

**Analysis by the Legislative Reference Bureau**

Under current law, a person operating a youth athletic activity (defined as an organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in an athletic game or competition against another team, or in practice or preparation for such a game or competition) must distribute a concussion and head injury information sheet to each coach and to each participant in the activity. No person may participate in the activity unless the person returns the sheet signed by the person and, if he or she is under 19 years of age, by his or her parent.

<sup>an</sup> This bill prohibits a person operating a youth athletic activity for which an activity fee is charged from allowing an individual to serve as an official for the activity unless the individual presents evidence satisfactory to the operator that he or she has successfully completed, within the three previous years, ~~the "Heads Up: Concussion in Youth Sports"~~ an online training program available ~~on the Internet site of the Centers for Disease Control and Prevention.~~

The bill takes effect approximately six months after publication.

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

in youth athletic activities about concussions and head injuries that has been approved by the Department of Public Instruction

