

## 2011 DRAFTING REQUEST

### Bill

Received: **09/27/2011**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Bob Delaporte**

May Contact:

Drafter: **pgrant**

Subject: **Education - miscellaneous  
Education - school boards**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Concussion and head injuries

---

#### 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 09/27/2011	kfollett 09/27/2011		_____			
/1	pgrant 10/03/2011	kfollett 10/04/2011	jfrantze 09/27/2011	_____	lparisi 09/27/2011		
/2	pgrant 10/04/2011	kfollett 10/05/2011	phenry 10/04/2011	_____	sbasford 10/04/2011		
/3	pgrant	kfollett	rschluet	_____	mbarman		

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/6			phenry 10/17/2011	_____	mbarman 10/17/2011	mbarman 10/17/2011	

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*None*

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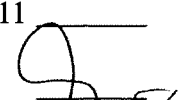
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**Instructions:**

See attached

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Concussion and head injuries

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*Please  
jacket  
for  
Senate*

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/4			pherry	_____	lparisi		
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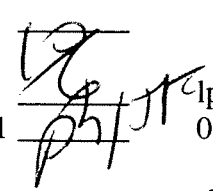
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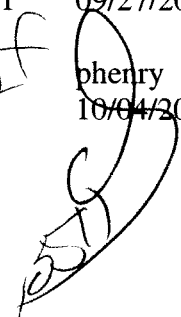
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/?	pgrant	1/15f 9/27		9/27			

FE Sent For:

<END>



9/27/11

1943/4

re from B's Delegate /Darling's etc.

① deliver info seasonally (every sports season)

② del. H.C.P. det.

give new LRB #

**Grant, Peter**

---

**From:** Delaporte, Bob  
**Sent:** Tuesday, September 27, 2011 3:10 PM  
**To:** Grant, Peter  
**Subject:** Concussion legislation

This is the definition Rep. Bernard Schaber offered:

"Healthcare provider with training in the management and evaluation of concussions."

If that doesn't work, we'd like "Physical Therapists" added to the list of health care providers

Thank you very much

-Bob Delaporte  
State Senator Alberta Darling's office

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...



DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: PG) (Date: 9 / 27 / 11)

## Note:

**BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"**

*(exception: companion bills)*



Please transfer the drafting file for

2011 ~~2009~~ LRB 1943 (For: Rep. / Sen. DARLING)

to the drafting file for

2011 LRB 3012 (For: Rep. / Sen. DARLING)

-----OR-----



Please copy the drafting file for

2011 LRB \_\_\_\_\_ / \_\_\_\_\_ (incl. \_\_\_\_\_ version) (For: Rep. / Sen. \_\_\_\_\_)

and place it in the drafting file for

2011 LRB \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)



Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file: \_\_\_\_\_



State of Wisconsin  
2011 - 2012 LEGISLATURE

Wed



LRB-1948/4

PG:kjf:rs

LRB-3012/1  
PLG - kjf

2011 BILL

Gen

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.

***Analysis by the Legislative Reference Bureau***

This bill directs each school board, in conjunction with the Wisconsin Interscholastic Athletic Association, to develop guidelines and other information to educate coaches and athletes and their parents or guardians about the risk of concussion and head injury in youth athletic activities. The bill defines "youth athletic activity," with certain exceptions, as an organized athletic activity in which the participants, a majority of whom are at least 8 and 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.

X The bill requires each person operating a youth athletic activity ~~annually~~ <sup>seasonally</sup> to distribute a concussion and head injury information sheet to each person who wishes to participate in that activity and prohibits a person from participating in a youth athletic activity until he or she has returned the sheet signed by the person and, if he or she is under the age of 19, by his or her parent or guardian.

The bill requires that a person who is suspected of sustaining a concussion or head injury in a youth athletic activity be removed from the activity immediately. A person who has been so removed may not participate in a youth athletic activity until he or she is evaluated by a health care provider who has been trained in the evaluation and management of concussion and head injuries and receives a written clearance to participate in the activity from the health care provider. The bill

**BILL**

provides that if a health care provider who is a volunteer authorizes a person to participate in a youth athletic activity, he or she is immune from civil liability for any injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct.

In the bill, "health care provider" means a physician, physician assistant, advanced practice nurse prescriber, or an athletic trainer.

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

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

**118.293 Concussion and head injury.** (1) In this section:

(a) "Health care provider" means a physician, a physician assistant licensed under ch. 448, an advanced practice nurse prescriber certified under s. 441.16 (2), a physical therapist licensed under subch. III of ch. 448, or an athletic trainer licensed under subch. VI of ch. 448.

(b) "Youth athletic activity" means an organized athletic activity in which the participants, a majority of whom are at least 8 years of age and 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.

(2) In conjunction with the Wisconsin Interscholastic Athletic Association, each school board shall develop guidelines and other information for the purpose of educating athletic coaches and pupil athletes and their parents or guardians about the nature and risk of concussion and head injury in youth athletic activities.

(3) Annually, the person operating a youth athletic activity shall distribute a concussion and head injury information sheet to each person who wishes to participate in that youth athletic activity. No person may participate in a youth

*At the beginning of a season for a youth athletic activity*

**BILL**

1 athletic activity unless the person returns the information sheet signed by the person  
2 and, if he or she is under the age of 19, by his or her parent or guardian.

3 (4) (a) A person who is suspected of sustaining a concussion or head injury in  
4 a youth athletic activity shall be removed from the youth athletic activity  
5 immediately.

6 (b) A person who has been removed from a youth athletic activity under par.  
7 (a) may not participate in a youth athletic activity until he or she is evaluated by a  
8 health care provider who has been trained in the evaluation and management of  
9 concussion and head injuries and receives a written clearance to participate in the  
10 activity from the health care provider.

11 (5) Any volunteer who authorizes a person to participate in a youth athletic  
12 activity under sub. (4) (b) is immune from civil liability for any injury resulting from  
13 that act unless the act constitutes gross negligence or willful or wanton misconduct.

14 SECTION 2. 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and  
15 32, is amended to read:

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
17 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
18 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,  
19 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
20 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24  
21 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.293, 118.30  
22 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,  
23 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),

**BILL**

1 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and  
2 board.

3 (END)

10/3/11

Bobs / Daniels etc.

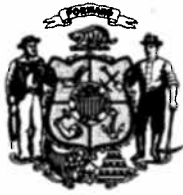
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not dpi

have the exam bto etc. jointly  
promulgate rules on standards

do / 2





WANTED  
TIMES.  
10/4

2

## 2011 BILL

Regen

and granting  
rulemaking  
authority

1

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**concussions and other head injuries sustained in youth athletic activities.**

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The bill requires each person operating a youth athletic activity seasonally to distribute a concussion and head injury information sheet to each person who wishes to participate in that activity and prohibits a person from participating in a youth athletic activity until he or she has returned the sheet signed by the person and, if he or she is under the age of 19, by his or her parent or guardian.

The bill requires that a person who is suspected of sustaining a concussion or head injury in a youth athletic activity be removed from the activity immediately. A person who has been so removed may not participate in a youth athletic activity until he or she is evaluated by a health care provider who has been trained in the evaluation and management of concussion and head injuries and receives a written clearance to participate in the activity from the health care provider. The bill

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9           **(2)** In conjunction with the Wisconsin Interscholastic Athletic Association,  
10 each school board shall develop guidelines and other information for the purpose of  
11 educating athletic coaches and pupil athletes and their parents or guardians about  
12 the nature and risk of concussion and head injury in youth athletic activities.

13           **(3)** At the beginning of a season for a youth athletic activity, the person  
14 operating the youth athletic activity shall distribute a concussion and head injury  
15 information sheet to each person who wishes to participate in that youth athletic  
16 activity. No person may participate in a youth athletic activity unless the person  
17 returns the information sheet signed by the person and, if he or she is under the age  
18 of 19, by his or her parent or guardian.

**BILL**

1           (4) (a) A person who is suspected of sustaining a concussion or head injury in  
2 a youth athletic activity shall be removed from the youth athletic activity  
3 immediately.

4           (b) A person who has been removed from a youth athletic activity under par.  
5 (a) may not participate in a youth athletic activity until he or she is evaluated by a  
6 health care provider who has been trained in the evaluation and management of  
7 concussion and head injuries and receives a written clearance to participate in the  
8 activity from the health care provider.

3-8 →

9           (5) Any volunteer who authorizes a person to participate in a youth athletic  
10 activity under sub. (4) (b) is immune from civil liability for any injury resulting from  
11 that act unless the act constitutes gross negligence or willful or wanton misconduct.

12           **SECTION 2.** 119.04 (1) of the statutes, as affected<sup>✓</sup> by 2011 Wisconsin Acts 10 and  
13 32, is amended to read:

14           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
15 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
16 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,  
17 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
18 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24  
19 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.293, 118.30  
20 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,  
21 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),  
22 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and  
23 board.

24

(END)

(A)

It Finally, the bill directs the  
Medical Examining Board, the Board of  
Nursing, the Physical Therapy Examining  
Board, and the Athletic Trainers  
Affiliated Credentialing Board to jointly  
promulgate rules<sup>s</sup> establishing standards  
for conducting the evaluations and  
clearances and issuing  
the clearances described above.

3-8

(c) The medical examining board, the board of nursing, the physical therapy examining board, and the athletic trainers affiliated credentialing board shall jointly promulgate rules establishing standards for conducting evaluations and clearances and issuing clearances under par. (b). Section

~~15.08(5)(b) does not apply to the promulgation of rules under this paragraph.~~



THURSDAY



## 2011 BILL

Regen

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 and  
 3 granting rule-making authority.

### *Analysis by the Legislative Reference Bureau*

This bill directs each school board, in conjunction with the Wisconsin Interscholastic Athletic Association, to develop guidelines and other information to educate coaches and athletes and their parents or guardians about the risk of concussion and head injury in youth athletic activities. The bill defines "youth athletic activity," with certain exceptions, as an organized athletic activity in which the participants, a majority of whom are ~~at least 8 and~~ 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.

*move* This ~~the~~ bill requires each person operating a youth athletic activity seasonally to distribute a concussion and head injury information sheet to each person who wishes to participate in ~~that~~ activity and prohibits a person from participating in a youth athletic activity until he or she has returned the sheet signed by the person and, if he or she is under the age of 19, by his or her parent or guardian.

The bill requires that a person who is suspected of sustaining a concussion or head injury in a youth athletic activity be removed from the activity immediately. A person who has been so removed may not participate in a youth athletic activity until he or she is evaluated by a health care provider who has been trained in the

the

will be coaching the activity and to each person who

**BILL**

*, in consultation with the Wisconsin Interscholastic Athletic Association,*

evaluation and management of concussion and head injuries and receives a written clearance to participate in the activity from the health care provider. The bill provides that if a health care provider who is a volunteer authorizes a person to participate in a youth athletic activity, he or she is immune from civil liability for any injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct.

Finally, the bill directs the Medical Examining Board, the Board of Nursing, the Physical Therapy Examining Board, and the Athletic Trainers Affiliated Credentialing Board to jointly promulgate rules establishing standards for conducting the evaluations and issuing the clearances described above.

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

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

**118.293 Concussion and head injury. (1)** In this section, "youth athletic activity" means an organized athletic activity in which the participants, a majority of whom are ~~at least 8 years of age and~~ 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.

~~(2) In conjunction with the Wisconsin Interscholastic Athletic Association, each school board shall develop guidelines and other information for the purpose of educating athletic coaches and pupil athletes and their parents or guardians about the nature and risk of concussion and head injury in youth athletic activities.~~

**(3)** At the beginning of a season for a youth athletic activity, the person operating the youth athletic activity shall distribute a concussion and head injury information sheet to each person who wishes to participate in that youth athletic activity. No person may participate in a youth athletic activity unless the person

*person who will be coaching that youth athletic activity and to each*

**BILL**

1 returns the information sheet signed by the person and, if he or she is under the age  
2 of 19, by his or her parent or guardian.

3 (3) (a) A person who is suspected of sustaining a concussion or head injury in  
4 a youth athletic activity shall be removed from the youth athletic activity  
5 immediately.

6 (b) A person who has been removed from a youth athletic activity under par.  
7 (a) may not participate in a youth athletic activity until he or she is evaluated by a  
8 health care provider who has been trained in the evaluation and management of  
9 concussion and head injuries and receives a written clearance to participate in the  
10 activity from the health care provider.

11 (c) The medical examining board, the board of nursing, the physical therapy  
12 examining board, and the athletic trainers affiliated credentialing board shall jointly  
13 promulgate rules establishing standards for conducting evaluations and issuing  
14 clearances under par. (b).

15 (4) Any volunteer who authorizes a person to participate in a youth athletic  
16 activity under sub. (3) (b) is immune from civil liability for any injury resulting from  
17 that act unless the act constitutes gross negligence or willful or wanton misconduct.

18 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and  
19 32, is amended to read:

20 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
21 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
22 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,  
23 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
24 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24  
25 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.293, 118.30

*in consultation with the Wisconsin Interscholastic Athletic Association,*



**BILL**

1 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,  
2 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),  
3 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and  
4 board.

5 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE

Tuesday  
6:11 AM

\*\*\* LRS: notice  
this needs  
to be a  
14 ✓  
LRB-1820/2  
PG:kjff  
LRB 3012/4  
PG: EGF

~~A. SUBST. AMDT.  
TO 2011 ASSEMBLY BILL 259~~

September 15, 2011 - Introduced by Representatives FIELDS, RIPP, HULSEY, KRUG, SPANBAUER, WYNN, PASCH, ENDSLEY, E. COGGS, BERCEAU, STASKUNAS, BERNIER and BERNARD SCHABER, cosponsored by Senators DARLING, LASSA and TAYLOR. Referred to Committee on Education.

Regen

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

This is  
the same as  
50203/1

**Legislative Reference Bureau**

Wisconsin Department of Public Instruction, in conjunction with the Wisconsin Athletic Association, to develop guidelines and other information for coaches and athletes and their parents or guardians about the risk of concussion and head injury in youth athletic activities. The bill defines "youth athletic activity," with certain exceptions, as an organized athletic activity in which the participants, a majority of whom are at least 11 and 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.

The bill requires each person operating a youth athletic activity annually to distribute a concussion and head injury information sheet to each person who wishes to participate in the activity and prohibits a person from participating in a youth athletic activity until he or she has returned the sheet signed by the person and, if he or she is under the age of 19, by his or her parent or guardian.

The bill requires that a person who is suspected of sustaining a concussion or head injury in a youth athletic activity be removed from the activity immediately. A person who has been so removed may not participate in a youth athletic activity until he or she is evaluated by a health care provider who has been trained in the evaluation and management of concussion and head injuries and receives a written clearance to participate in the activity from the health care provider. The bill

ASSEMBLY BILL 259

~~provides that if a health care provider who is a volunteer authorizes a person to participate in a youth athletic activity, he or she is immune from civil liability for any injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct.~~

~~In the bill, "health care provider" means a physician, physician assistant, advanced practice nurse prescriber, or an athletic trainer.~~

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

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

**118.293 Concussion and head injury. (1)** In this section:

~~(a) "Health care provider" means a physician, a physician assistant licensed under ch. 448, an advanced practice nurse prescriber certified under s. 441.16 (2), or an athletic trainer licensed under subch. VI of ch. 448.~~

~~(b)~~ "Youth athletic activity" means an organized athletic activity in which the participants, a majority of whom are ~~at least 11 years of age~~ 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.

(2) In conjunction with the Wisconsin Interscholastic Athletic Association, the department shall develop guidelines and other information for the purpose of educating athletic coaches and pupil athletes and their parents or guardians about the nature and risk of concussion and head injury in youth athletic activities.

(3) ~~Annually~~, the person operating <sup>a</sup> youth athletic activity shall distribute a concussion and head injury information sheet to each person who wishes to participate in ~~the~~ youth athletic activity. No person may participate in a youth

*At the beginning of a season for a youth athletic activity*

*will be coaches that youth athletic activity and to each person wh*

ASSEMBLY BILL 259

1 athletic activity unless the person returns the information sheet signed by the person  
2 and, if he or she is under the age of 19, by his or her parent or guardian.

3 (4) (a) A person who is suspected of sustaining a concussion or head injury in  
4 a youth athletic activity shall be removed from the youth athletic activity  
5 immediately.

6 (b) A person who has been removed from a youth athletic activity under par.  
7 (a) may not participate in a youth athletic activity until he or she is evaluated by a  
8 health care provider who has been trained in the evaluation and management of  
9 concussion and head injuries and receives a written clearance to participate in the  
10 activity from the health care provider.

11 (5) <sup>JMS. 3-11</sup> Any volunteer who authorizes a person to participate in a youth athletic  
12 activity under sub. (4) (b) is immune from civil liability for any injury resulting from  
13 that act unless the act constitutes gross negligence or willful or wanton misconduct.

3-13 →

SECTION 2. 119.04 (1) of the statutes <sup>as affected by 2011 Wisconsin Acts 10 and 32,</sup> is amended to read:

15 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
16 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
17 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
18 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
19 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,  
20 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.258, 118.291, 118.293, 118.30  
21 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5), and (15) to (27), 120.125, 120.13  
22 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14,  
23 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

(END)

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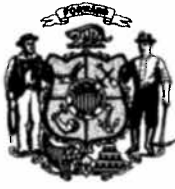
3-11

(a) Any athletic coach, official involved in an athletic activity, or volunteer who ~~removes~~ ~~a person~~ or fails to remove a person from a youth athletic activity <sup>under sub. (4)(a)</sup> is immune from civil liability for any injury resulting from that ~~an~~ omission unless it constitutes <sup>gross</sup> negligence or willful or wanton misconduct.

¶ (b)

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



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3012/4  
PG:kjf:ph

TODAY

P-3

2011 BILL

legen

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)** In conjunction with the Wisconsin Interscholastic Athletic Association, the  
12 department shall develop guidelines and other information for the purpose of

**BILL****SECTION 1**

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

10       **(4)** (a) A person who is suspected of sustaining a concussion or head injury in  
11 a youth athletic activity shall be removed from the youth athletic activity  
12 immediately.

13       (b) A person who has been removed from a youth athletic activity under par.  
14 (a) may not participate in a youth athletic activity until he or she is evaluated by a  
15 health care provider who has been trained in the evaluation and management of  
16 concussion and head injuries and receives a written clearance to participate in the  
17 activity from the health care provider.

18       **(5)** (a) Any athletic coach, official involved in an athletic activity, or volunteer  
19 who fails to remove a person from a youth athletic activity under sub. (4) (a) is  
20 immune from civil liability for any injury resulting from that omission unless it  
21 constitutes gross negligence or willful or wanton misconduct.

22       (b) Any volunteer who authorizes a person to participate in a youth athletic  
23 activity under sub. (4) (b) is immune from civil liability for any injury resulting from  
24 that act unless the act constitutes gross negligence or willful or wanton misconduct.



**BILL**

1

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

2

3

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

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119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

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(END)



TODAY



## 2011 BILL

Regen

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.

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*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) In conjunction with the Wisconsin Interscholastic Athletic Association, the  
12 department shall develop guidelines and other information for the purpose of

**BILL****SECTION 1**

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

10 (4) (a) A person who is suspected of sustaining a concussion or head injury in  
11 a youth athletic activity shall be removed from the youth athletic activity  
12 immediately.

13 (b) A person who has been removed from a youth athletic activity under par.  
14 (a) may not participate in a youth athletic activity until he or she is evaluated by a  
15 health care provider who has been trained in the evaluation and management of  
16 concussion and head injuries and receives a written clearance to participate in the  
17 activity from the health care provider.

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

22 (b) Any volunteer who authorizes a person to participate in a youth athletic  
23 activity under sub. (4) (b) is immune from civil liability for any injury resulting from  
24 that act unless the act constitutes gross negligence or willful or wanton misconduct.





A:1

# 2011 BILL

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 ~~and~~

3 ~~granting rule-making authority.~~

### *Analysis by the Legislative Reference Bureau*

This bill requires each person operating a youth athletic activity seasonally to distribute a concussion and head injury information sheet to each person who will be coaching the activity and to each person who wishes to participate in the activity and prohibits a person from participating in a youth athletic activity until he or she has returned the sheet signed by the person and, if he or she is under the age of 19, by his or her parent or guardian. The bill defines "youth athletic activity," with certain exceptions, 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, club, or entity, or in practice or preparation for an organized athletic game or competition against another team, club, or entity.

The bill requires that a person who is suspected of sustaining a concussion or head injury in a youth athletic activity be removed from the activity immediately. A person who has been ~~so~~ removed may not participate in a youth athletic activity until he or she is evaluated by a health care provider who has been trained in the evaluation and management of concussion and head injuries and receives a written clearance to participate in the activity from the health care provider. The bill provides that if a health care provider who is a volunteer authorizes a person to participate in a youth athletic activity, he or she is immune from civil liability for any

from a youth athletic activity because he or she is suspected of sustaining a concussion or head injury of

AB

A:2

**BILL**

injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct.

AC →

Finally, the bill directs the Medical Examining Board, the Board of Nursing, the Physical Therapy Examining Board, and the Athletic Trainers Affiliated Credentialing Board, in consultation with the Wisconsin Interscholastic Athletic Association, to jointly promulgate rules establishing standards for conducting the evaluations and issuing the clearances described above.

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

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

**118.293 Concussion and head injury. (1)** In this section, "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.

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

**(3)** (a) A person who is suspected of sustaining a concussion or head injury in a youth athletic activity shall be removed from the youth athletic activity immediately.

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AB

(no #) The bill provides that if <sup>that if</sup> an <sup>an</sup> athletic coach, official, <sup>or</sup> volunteer <sup>or</sup> volunteer fails to remove a person from the activity, he <sup>or</sup> she is immune from civil liability for any injury resulting from that omission unless it constitutes gross negligence <sup>or</sup> willful misconduct.

AC

# Finally, the bill provides that <sup>it</sup> it <sup>it</sup> does not create any liability for, <sup>or</sup> or a cause of action against, any person.

anal: line →