




# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## Appendix A

### LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2011 LRB-1943 (For: Sen. Darling)


has been copied/added to the drafting file for

**2011 LRB-3012** (For: Sen. Darling)



**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 09/27/2011 (Per: PG)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

**2011 DRAFTING REQUEST**

**Bill**

Received: **04/18/2011**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

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

By/Representing: **Andrew Potts**

May Contact:

Drafter: **pgrant**

Subject: **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:**

Concussions 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 04/18/2011	kfollett 04/20/2011		_____			State
/1	pgrant 04/21/2011	kfollett 04/21/2011	rschluet 04/21/2011	_____	lparisi 04/21/2011		
/2	pgrant 06/08/2011	kfollett 06/08/2011	jfrantze 04/21/2011	_____	sbasford 04/21/2011	mbarman 05/13/2011	
/3	pgrant	kfollett	jfrantze	_____	ggodwin	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/12/2011	07/13/2011	06/08/2011	_____	06/08/2011	06/10/2011	
/4			rschlue	_____	sbasford	sbasford	
			07/13/2011	_____	07/13/2011	07/13/2011	

FE Sent For:

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/3		145f 7/13	jfrantze 7/13/11	_____	ggodwin	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			06/08/2011 _____		06/08/2011	06/10/2011	

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/2		13kf 6/8	jfrantze	_____	sbasford 04/21/2011	mbarman 05/13/2011	

6/8



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**LRB-1943**

05/13/2011 12:03:14 PM

Page 2

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**LRB-1943**

04/21/2011 02:09:16 PM

Page 2

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/1		12/5/f 4/21	rschluet 04/21/2011	_____	lparisi 04/21/2011		

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4/21  
<END>

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/?	pgrant	1/15f 4/20		==			

FE Sent For:

<END>

## Grant, Peter

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**From:** Potts, Andrew  
**Sent:** Monday, April 18, 2011 9:03 AM  
**To:** Grant, Peter; Malaise, Gordon  
**Subject:** Darling Drafting Request

Peter & Gordon,

Not sure whose wheelhouse this falls into. Senator Darling would like a bill drafted to protect youth athletes from the risks of concussions.

The bill would do the following:

- Require school districts to educate youth athletes and their parents/guardians about the symptoms and risks of concussions.
- Require every youth athlete as well as their parent/guardian to sign a sheet regarding concussions and their symptoms every year.
- Require an athlete who is suspected to have suffered a concussion to be removed from play.
- Only allow a youth athlete to return to play after being cleared by a licensed healthcare provider.

This is based on a law from Washington State. Here's a link to the engrossed bill:

<http://www.sportsconcussions.org/Documents/1824-SL-Legislation.pdf>

Thanks,

Andy

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1824**

Chapter 475, Laws of 2009

61st Legislature  
2009 Regular Session

YOUTH SPORTS--HEAD INJURY POLICIES

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009  
Yeas 98 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 2, 2009  
Yeas 45 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 14, 2009, 11:24 a.m.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1824** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

May 18, 2009

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1824**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Representatives Rodne, Quall, Anderson, Lias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan, and Morrell

Read first time 01/30/09. Referred to Committee on Education.

1            AN ACT Relating to requiring the adoption of policies for the  
2 management of concussion and head injury in youth sports; amending RCW  
3 4.24.660; and adding a new section to chapter 28A.600 RCW.

4            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 4.24.660 and 1999 c 316 s 3 are each amended to read  
6 as follows:

7            (1) A school district shall not be liable for an injury to or the  
8 death of a person due to action or inaction of persons employed by, or  
9 under contract with, a youth program if:

10            (a) The action or inaction takes place on school property and  
11 during the delivery of services of the youth program;

12            (b) The private nonprofit group provides proof of being insured,  
13 under an accident and liability policy issued by an insurance company  
14 authorized to do business in this state, that covers any injury or  
15 damage arising from delivery of its services. Coverage for a policy  
16 meeting the requirements of this section must be at least fifty  
17 thousand dollars due to bodily injury or death of one person, or at  
18 least one hundred thousand dollars due to bodily injury or death of two  
19 or more persons in any incident. The private nonprofit shall also



1 provide a statement of compliance with the policies for the management  
2 of concussion and head injury in youth sports as set forth in section  
3 2 of this act; and

4 (c) The group provides proof of such insurance before the first use  
5 of the school facilities. The immunity granted shall last only as long  
6 as the insurance remains in effect.

7 (2) Immunity under this section does not apply to any school  
8 district before January 1, 2000.

9 (3) As used in this section, "youth programs" means any program or  
10 service, offered by a private nonprofit group, that is operated  
11 primarily to provide persons under the age of eighteen with  
12 opportunities to participate in services or programs.

13 (4) This section does not impair or change the ability of any  
14 person to recover damages for harm done by: (a) Any contractor or  
15 employee of a school district acting in his or her capacity as a  
16 contractor or employee; or (b) the existence of unsafe facilities or  
17 structures or programs of any school district.

18 NEW SECTION. Sec. 2. A new section is added to chapter 28A.600  
19 RCW to read as follows:

20 (1)(a) Concussions are one of the most commonly reported injuries  
21 in children and adolescents who participate in sports and recreational  
22 activities. The centers for disease control and prevention estimates  
23 that as many as three million nine hundred thousand sports-related and  
24 recreation-related concussions occur in the United States each year.  
25 A concussion is caused by a blow or motion to the head or body that  
26 causes the brain to move rapidly inside the skull. The risk of  
27 catastrophic injuries or death are significant when a concussion or  
28 head injury is not properly evaluated and managed.

29 (b) Concussions are a type of brain injury that can range from mild  
30 to severe and can disrupt the way the brain normally works.  
31 Concussions can occur in any organized or unorganized sport or  
32 recreational activity and can result from a fall or from players  
33 colliding with each other, the ground, or with obstacles. Concussions  
34 occur with or without loss of consciousness, but the vast majority  
35 occurs without loss of consciousness.

36 (c) Continuing to play with a concussion or symptoms of head injury  
37 leaves the young athlete especially vulnerable to greater injury and

1 even death. The legislature recognizes that, despite having generally  
2 recognized return to play standards for concussion and head injury,  
3 some affected youth athletes are prematurely returned to play resulting  
4 in actual or potential physical injury or death to youth athletes in  
5 the state of Washington.

6 (2) Each school district's board of directors shall work in concert  
7 with the Washington interscholastic activities association to develop  
8 the guidelines and other pertinent information and forms to inform and  
9 educate coaches, youth athletes, and their parents and/or guardians of  
10 the nature and risk of concussion and head injury including continuing  
11 to play after concussion or head injury. On a yearly basis, a  
12 concussion and head injury information sheet shall be signed and  
13 returned by the youth athlete and the athlete's parent and/or guardian  
14 prior to the youth athlete's initiating practice or competition.

15 (3) A youth athlete who is suspected of sustaining a concussion or  
16 head injury in a practice or game shall be removed from competition at  
17 that time.

18 (4) A youth athlete who has been removed from play may not return  
19 to play until the athlete is evaluated by a licensed health care  
20 provider trained in the evaluation and management of concussion and  
21 receives written clearance to return to play from that health care  
22 provider. The health care provider may be a volunteer. A volunteer  
23 who authorizes a youth athlete to return to play is not liable for  
24 civil damages resulting from any act or omission in the rendering of  
25 such care, other than acts or omissions constituting gross negligence  
26 or willful or wanton misconduct.

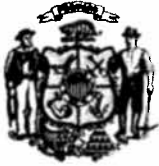
27 (5) This section may be known and cited as the Zackery Lystedt law.

Passed by the House April 20, 2009.

Passed by the Senate April 2, 2009.

Approved by the Governor May 14, 2009.

Filed in Office of Secretary of State May 18, 2009.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1020/1  
PG:kjf:ph

LRB-1943 /  
PG: kjf

2011 BILL

1 AN ACT *to create* 115.352 of the statutes; **relating to:** concussions and other  
2 head injuries sustained in interscholastic athletics ~~and granting rule-making~~  
3 ~~authority.~~ *regen*

**Analysis by the Legislative Reference Bureau**

This bill directs ~~the Department of Public Instruction (DPI)~~ *each school board* in conjunction with the Wisconsin Interscholastic Athletics Association, to develop guidelines and other information to educate coaches and pupil athletes and their parents or guardians about the risk of concussion and head injury in sports.

A →

The bill ~~also directs DPI to promulgate rules requiring~~ *requires* that a pupil who is suspected of sustaining a concussion or head injury in an athletic practice or game be removed from the practice or game immediately. ~~The rules must~~ *5* also prohibit a pupil who has been so removed from practicing or playing in a game 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 do so from the health care provider. The bill provides that if a health care provider who is a volunteer authorizes a pupil to practice or play in a game, 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.

bill

**BILL**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. ~~115.352~~<sup>118.253</sup> of the statutes is created to read:  
118.293 ^

2 ~~115.352~~<sup>118.253</sup> **Concussion and head injury.** (1) In conjunction with the Wisconsin  
3 Interscholastic Athletics Association, ~~the department~~<sup>each school board</sup> shall develop guidelines and  
4 other information for the purpose of educating athletic coaches and pupil athletes  
5 and their parents or guardians about the nature and risk of concussion and head  
6 injury in sports.

2-6 → (1)

(1) (a) In this subsection, "health care provider" means a physician, a physician  
8 assistant licensed under ch. 448, an advanced practice nurse prescriber certified  
9 under s. 441.16 (2), or an athletic trainer licensed under subch. VI of ch. 448.

10 ~~(b) The department shall promulgate rules that require all of the following:~~

11 (b) 1. ~~That~~<sup>=</sup> a pupil who is suspected of sustaining a concussion or head injury in  
12 an athletic practice or game <sup>shall</sup> be removed from the practice or game immediately.

13 2. ~~That~~<sup>=</sup> a pupil who has been removed from a practice or game under ~~par. (a)~~<sup>subd. 1.</sup>  
14 not practice or play in a game until he or she is evaluated by a health care provider <sup>may</sup>  
15 who has been trained in the evaluation and management of concussion and head  
16 injuries and receives a written clearance to do so from the health care provider.

17 (c) Any volunteer who authorizes a pupil to practice or play in a game under  
18 ~~the rules promulgated under~~<sup>✓</sup> par. (b) 2. is immune from civil liability for any injury  
19 resulting from that act unless the act constitutes gross negligence or willful or  
20 wanton misconduct.

21 ~~(END)~~



Section #. 119.04 (1) of the statutes is amended to read:

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, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 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, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, <sup>118.293,</sup> 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (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.

**NOTE:** Sub. (1) is shown as affected by 2009 Wisconsin Acts 28, 60, 96, 215, 273, 305, and 309 and as merged by the legislative reference bureau under s. 13.92 (2) (i).

**History:** 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96, 215, 273, 305, 309; s. 13.92 (2) (i).

(End)

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

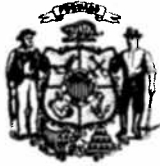
(A)

If the bill requires each school board  
 annually  
 ^ to distribute a concussion and head injury  
 information sheet to each pupil athlete and  
 prohibits a pupil athlete from participating  
 in an athletic practice or game until  
 he or she has returned the sheet signed  
 by the pupil athlete and his or her parent  
 or guardian.

2-6

(B)

(2) Annually, each school board shall distribute a concussion <sup>and</sup> head injury information sheet to each pupil athlete. No pupil may participate in an athletic practice <sup>or</sup> game unless the pupil athlete <sup>athlete</sup> returns the information sheet signed by the pupil athlete and his or her parent or guardian.



State of Wisconsin  
2011 - 2012 LEGISLATURE

TODAY



LRB-1943/1  
PG:kjf:rs

2

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 interscholastic athletics.

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

This bill directs each school board, in conjunction with the Wisconsin Interscholastic Athletics Association, to develop guidelines and other information to educate coaches and pupil athletes and their parents or guardians about the risk of concussion and head injury in sports.

The bill requires each school board annually to distribute a concussion and head injury information sheet to each pupil athlete and prohibits a pupil athlete from participating in an athletic practice or game until he or she has returned the sheet signed by the pupil athlete and his or her parent or guardian.

The bill requires that a pupil who is suspected of sustaining a concussion or head injury in an athletic practice or game be removed from the practice or game immediately. The bill also prohibits a pupil who has been so removed from practicing or playing in a game 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 do so from the health care provider. The bill provides that if a health care provider who is a volunteer authorizes a pupil to practice or play in a game, 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.



**BILL**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2           **118.293 Concussion and head injury. (1)** In conjunction with the Wisconsin  
3 Interscholastic Athletics Association, each school board shall develop guidelines and  
4 other information for the purpose of educating athletic coaches and pupil athletes  
5 and their parents or guardians about the nature and risk of concussion and head  
6 injury in sports.

7           **(2)** Annually, each school board shall distribute a concussion and head injury  
8 information sheet to each pupil athlete. No pupil may participate in an athletic  
9 practice or game unless the pupil athlete returns the information sheet signed by the  
10 pupil athlete and his or her parent or guardian.

11           **(3) (a)** In this subsection, "health care provider" means a physician, a physician  
12 assistant licensed under ch. 448, an advanced practice nurse prescriber certified  
13 under s. 441.16 (2), or an athletic trainer licensed under subch. VI of ch. 448.

14           **(b) 1.** A pupil who is suspected of sustaining a concussion or head injury in an  
15 athletic practice or game shall be removed from the practice or game immediately.

16           **2.** A pupil who has been removed from a practice or game under subd. 1. may  
17 not practice or play in a game until he or she is evaluated by a health care provider  
18 who has been trained in the evaluation and management of concussion and head  
19 injuries and receives a written clearance to do so from the health care provider.

**BILL**

1           (c) Any volunteer who authorizes a pupil to practice or play in a game under  
2 par. (b) 2. is immune from civil liability for any injury resulting from that act unless  
3 the act constitutes gross negligence or willful or wanton misconduct.

4           **SECTION 2.** 119.04 (1) of the statutes is amended to read:

5           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
7 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
8 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
9 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,  
10 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, ~~118.293~~, 118.30  
11 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13  
12 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14,  
13 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

14

(END)

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**Basford, Sarah**

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**From:** Potts, Andrew  
**Sent:** Friday, May 13, 2011 10:48 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1943/2 Topic: Concussions and head injuries

Please Jacket LRB 11-1943/2 for the SENATE.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

6/7/11

Bob/DARLING

6-5830

RE - 1943

re concussions etc.

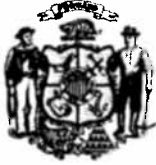
- Δ youth activity age to 8

- ~~that RE health care provider~~

- from fields : " del. Y. Activity :

incl. -> clubs sports

> camps + clinics  
~~etc.~~



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1620/2  
PG:kjff

50057

LRB-1943/3  
PG: kjf

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.

**Analysis by the Legislative Reference Bureau**

This bill directs ~~the Department of Public Instruction~~ <sup>each school board</sup>, 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 ~~14~~ <sup>13</sup> 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

X

8

**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:*

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

2 **118.293 Concussion and head injury.** (1) In this section:

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

6 (b) "Youth athletic activity" means an organized athletic activity in which the  
7 participants, a majority of whom are at least 11<sup>8</sup> years of age and under 19 years of  
8 age, are engaged in an athletic game or competition against another team, club, or  
9 entity, or in practice or preparation for an organized athletic game or competition  
10 against another team, club, or entity. "Youth athletic activity" does not include a  
11 college or university activity or an activity that is incidental to a nonathletic  
12 program.

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

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

**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 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), 118.255, 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.

24

(END)

## Grant, Peter

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**From:** Delaporte, Bob  
**Sent:** Tuesday, July 12, 2011 3:10 PM  
**To:** Grant, Peter  
**Subject:** RE: Health care provider definitions

Yes, thanks

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**From:** Grant, Peter  
**Sent:** Tuesday, July 12, 2011 3:09 PM  
**To:** Delaporte, Bob  
**Subject:** RE: Health care provider definitions

Sure, I'll add physical therapists.

About the other issue, on second thought I don't think we need to change anything. The draft says that a person who operates a youth athletic activity must distribute an info sheet to each person who wishes to participate in *that* youth athletic activity. So I think that for each sport, the coach would have to distribute the info sheet. And he or she would have to do that every year for each sport. Is that the result you want?

Peter

---

**From:** Delaporte, Bob  
**Sent:** Tuesday, July 12, 2011 2:33 PM  
**To:** Grant, Peter  
**Subject:** RE: Health care provider definitions

Ok  
That's pretty broad

Could we draft a sub with the changes we talked earlier and add PT's to our list?

---

**From:** Grant, Peter  
**Sent:** Tuesday, July 12, 2011 1:32 PM  
**To:** Delaporte, Bob  
**Subject:** Health care provider definitions

Hi Bob,

Here's the broadest definition I could find:

146.81(1)(intro.) "Health care provider" means any of the following:

- (a) A nurse licensed under ch. 441.
- (b) A chiropractor licensed under ch. 446.
- (c) A dentist licensed under ch. 447.
- (d) A physician, physician assistant, perfusionist, or respiratory care practitioner licensed or certified under subch. II of ch. 448.
- (dg) A physical therapist licensed under subch. III of ch. 448.
- (dr) A podiatrist licensed under subch. IV of ch. 448.
- (em) A dietitian certified under subch. V of ch. 448.
- (eq) An athletic trainer licensed under subch. VI of ch. 448.
- (es) An occupational therapist or occupational therapy assistant licensed under subch. VII of ch. 448.
- (f) An optometrist licensed under ch. 449.
- (fm) A pharmacist licensed under ch. 450.



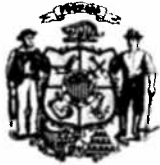
- (g) An acupuncturist certified under ch. 451.
- (h) A psychologist licensed under ch. 455.
- (hg) A social worker, marriage and family therapist, or professional counselor certified or licensed under ch. 457.
- (hm) A speech-language pathologist or audiologist licensed under subch. II of ch. 459 or a speech and language pathologist licensed by the department of public instruction.
- (hp) A massage therapist or bodywork therapist licensed under ch. 460.
- (i) A partnership of any providers specified under pars. (a) to (hp).
- (j) A corporation or limited liability company of any providers specified under pars. (a) to (hp) that provides health care services.
- (k) A cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility.
- (L) A hospice licensed under subch. IV of ch. 50.
- (m) An inpatient health care facility, as defined in s. 50.135 (1).
- (n) A community-based residential facility, as defined in s. 50.01 (1g).
- (p) A rural medical center, as defined in s. 50.50 (11).
- (q) An ambulance service provider, as defined in s. 256.01 (3).
- (r) An emergency medical technician, as defined in s. 256.01 (5).
- (s) A first responder, as defined in s. 256.01 (9).

Here's another you might like:

155.01(7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

The other definitions are narrower; let me know if you'd like to see them.

Peter



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1943/3  
PG:kjf:jj

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.

***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.

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.

That  
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:*

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

2 **118.293 Concussion and head injury. (1)** In this section:

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

6 (b) "Youth athletic activity" means an organized athletic activity in which the  
7 participants, a majority of whom are at least 8 years of age and under 19 years of age,  
8 are engaged in an athletic game or competition against another team, club, or entity,  
9 or in practice or preparation for an organized athletic game or competition against  
10 another team, club, or entity. "Youth athletic activity" does not include a college or  
11 university activity or an activity that is incidental to a nonathletic program.

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

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

*a physical therapist license under subch. III of ch. 448,*

*for each sport over time*

**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 <sup>✓</sup> is amended to read: *as affected by 2011 Wisconsin Acts 10 and 32,*

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, <sup>118.223, ← plain</sup> 118.225,

20

118.24 (1), (2) (c) to (f), (6), (8), and (10), <sup>118.245, ← plain</sup> 118.255, 118.258, 118.291, 118.293, 118.30

21

to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 <sup>plain → (4m)</sup> (5) and (15) to (27), 120.125, 120.13

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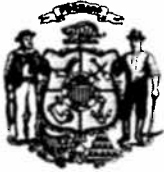
(1), (2) (b) to (g), (3), (14), (17) to (19), (26), <sup>plain →</sup> (34), (35), (37), (37m), and (38), 120.14,

23

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

24

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1943/4  
PG:kjf:rs

## 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.

---

***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.

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 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:*

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

2           **118.293 Concussion and head injury.** (1) In this section:

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

7           (b) "Youth athletic activity" means an organized athletic activity in which the  
8 participants, a majority of whom are at least 8 years of age and under 19 years of age,  
9 are engaged in an athletic game or competition against another team, club, or entity,  
10 or in practice or preparation for an organized athletic game or competition against  
11 another team, club, or entity. "Youth athletic activity" does not include a college or  
12 university activity or an activity that is incidental to a nonathletic program.

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

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

**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.

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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.

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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)