



**SENATE SUBSTITUTE AMENDMENT 3,
TO 2011 SENATE BILL 243**

March 12, 2012 – Offered by Senators DARLING, OLSEN and MOULTON.

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:

5 (a) “Credential” means a license or certificate of certification issued by this
6 state.

7 (am) “Health care provider” means a person to whom all of the following apply:

8 1. He or she holds a credential that authorizes the person to provide health
9 care.

10 2. He or she is trained and has experience in evaluating and managing
11 pediatric concussions and head injuries.

1 3. He or she is practicing within the scope of his or her credential.

2 (c) “Youth athletic activity” means an organized athletic activity in which the
3 participants, a majority of whom are under 19 years of age, are engaged in an athletic
4 game or competition against another team, club, or entity, or in practice or
5 preparation for an organized athletic game or competition against another team,
6 club, or entity. “Youth athletic activity” does not include a college or university
7 activity or an activity that is incidental to a nonathletic program.

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

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

19 **(4)** (a) An athletic coach, or official involved in a youth athletic activity, or
20 health care provider shall remove a person from the youth athletic activity if the
21 coach, official, or health care provider determines that the person exhibits signs,
22 symptoms, or behavior consistent with a concussion or head injury or the coach,
23 official, or health care provider suspects the person has sustained a concussion or
24 head injury.

1 (b) A person who has been removed from a youth athletic activity under par.
2 (a) may not participate in a youth athletic activity until he or she is evaluated by a
3 health care provider and receives a written clearance to participate in the activity
4 from the health care provider.

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

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

14 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85, is
15 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, 118.292,
22 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15)
23 to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),

1 (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school
2 district and board.

3 (END)