



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.

- 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, 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 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:

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 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 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

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) 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.

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(END)