

2011 DRAFTING REQUEST

Bill

Received: **03/08/2011**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

For: **Jason Fields (608) 266-3756**

By/Representing: **Lori Youngman**

May Contact:

Drafter: **pgrant**

Subject: **Education - state superintendent**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Fields@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Concussion and head injury guidelines

Instructions:

See attached

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 03/09/2011	kfollett 03/18/2011		_____			State
/1	pgrant 04/22/2011	kfollett 04/28/2011	phenry 03/21/2011	_____	sbasford 03/21/2011		
/2			jfrantze 04/28/2011	_____	lparisi 04/28/2011	mbarman 05/23/2011	

FE Sent For:

None

<END>

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/?	pgrant 03/09/2011	kfollett 03/18/2011		_____			State
/1		12/28 4/28	phenry 03/21/2011	_____	sbasford 03/21/2011		

FE Sent For:

Jo 4/28
Rs 4/28
Jo 4/28
END

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/?	pgrant	11 k/f 3/18	3 21 ph	3/21 JK/ph			
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FE Sent For:

<END>

Grant, Peter

From: Youngman, Lori
Sent: Tuesday, March 08, 2011 2:29 PM
To: Grant, Peter
Subject: Rep. Fields drafting request

Peter,

Attached is a link to legislation passed in Washington state <http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.600.190>

The bill requires each school district's board of directors to work with the Washington Interscholastic Activities Association to develop guidelines and other information to educate coaches, athletes, and parents or guardians about concussion and head injury, including continuing to play after injury is sustained. A youth athlete suspected of sustaining a concussion or head injury must be removed from play until cleared by a licensed health care provider.

Rep. Fields would like to get this drafted for Wisconsin, but instead of having the school boards work with the WI Interscholastic Athletic Assoc he would WIAA to work with DPI to develop guidelines and information.

Please feel free to contact me if you have any questions or need more information.

Thank you.

*Lori Youngman
Office of State Rep. Jason Fields
304 West State Capitol
PO Box 8952
Madison, WI 53708
608-266-3756*



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- ★ OFM Fiscal Note Website



[RCWs](#) > [Title 28A](#) > [Chapter 28A.600](#) > [Section 28A.600.190](#)

[28A.600.160](#) << [28A.600.190](#) >> [28A.600.200](#)

RCW 28A.600.190

Youth sports — Concussion and head injury guidelines — Injured athlete restrictions — Short title.

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

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

(c) Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Washington.

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

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

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

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

[2009 c 475 § 2.]

260-786-6777



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Washington State Concussion Law (Lystedt Law)

Washington State's concussion law was signed by Gov. Christine Gregoire and became effective in July 2009. The main provisions apply to school districts and athletic leagues who utilize school district property:

- removal of any athlete suspected of having a concussion from practice/game (under age 18)
- athletes cannot return to practice/game until evaluated by a licensed physician trained in the diagnosis and management of concussions and given written medical authorization. Those currently allowed to provide return-to-play authorizations are: Medical Doctor (MD), Doctor of Osteopathy (DO), Advanced Registered Nurse Practitioner (ARNP), Physicians Assistant (PA), Licensed Certified Athletic Trainers (AT/L)
- parents and athletes are required to sign a concussion information sheet
- [read full text of the law](#)
- [guidelines from Washington Interscholastic Activities Association \(WIAA\)](#)
- [Other state concussion laws/legislation](#)



WA State's Inspiration for a Comprehensive Concussion Law...

The first time I met Zackery Lystedt, he was seated in his wheelchair with his black-and-white dog Lucky by his side. He looked me straight in the eye and very slowly and deliberately said, "The reason I'm here, is to help people." Perhaps because he couldn't speak for nine months, or because he almost lost his life and has had to work so hard to regain any sense of normalcy, I knew how incredible that statement was, coming from him. He doesn't mince words, and everyone is a friend. He's had choices along the way, anger or contentment, depression or acceptance, bitterness over peace. Each choice, each fork in the road has made him who he is today, the driven, witty, fabulous 17-year-old young man who, along with his family, is changing the face of youth sports today.

Zackery's last game

Zackery played middle school football, "both ways" as dad Victor likes to describe it, as he was one of those athletes who was talented enough to stay on the field, playing both offense and defense. Late in the first half after a big play, his head hit the ground and he grabbed his helmet in obvious pain as he struggled to get up. He made it to the sideline, sat out for about



[Zackery's story CBS Video](#)

[Text of Lystedt Law](#)

SportsConcussions.org's latest concussion news:

[NHL's Pacioretty suffers severe concussion and neck injury after hit \(video\)](#)

[NHL star Sidney Crosby's little sister sits out with hockey concussion too](#)

[Second pro hockey player found to have degenerative brain disease](#)

[High school basketball player switches from right- to left-handedness after concussion three weeks ago](#)

Join us for email updates!



[Some say lacrosse helmets for women would make the game rougher](#)

Concussion basics



[Two-minute sideline concussion test may solve the sideline dilemma](#)

[NHL concussions on the rise, accidental, not illegal hits are to blame](#)

[Crosby's injury sparks NHL debate- should accidental hits to the head be penalized too?](#)

[Pro athletes take part in Texas concussion study](#)

[NHL's leading scorer still out with concussion, no timetable for return](#)

[The Associated Press: AP NewsBreak: FTC looking into helmet claims](#)

[Chicago public/private school concussion ordinance tied to water/sewer fees](#)

[NFL may test helmet impacts with accelerometers next season](#)

[NFL sees 21% increase in reported concussions over last season](#)

[Mayo Clinic Hockey Summit recommendations include ban on all hits to the head at all levels](#)

[Army identifies blood protein marker which may help identify](#)

15 minutes, and then went back in for the remainder of the game. Another big play, this time forcing a fumble on the goal line to save the game, he was hit again, causing a brain hemorrhage that resulted in the removal of both sides of his cranium. He was in and out of a coma for almost three months.

Creating the Lystedt Law

In the four years since Zackery was injured, his family's focus has been two-fold, helping Zack heal, and preventing others from suffering a similar fate. Each story of a young athlete's death or more news of life-saving brain surgeries performed on teenagers, brings renewed energy to their mission.

Through their efforts, and with the help of attorney Richard Adler, then-President of the Brain Injury Assoc. of Washington (BIAWA), and others, Washington State adopted the Zackery Lystedt Law, which became effective in July 2009. Athletes under the age of 18 who are suspected of having sustained a concussion are removed from practice or a game- and not allowed to return- until they have obtained a written return-to-play authorization from a medical professional trained in the diagnosis and management of concussions. The law also stipulates that parents and athletes must read and sign a head injury information sheet annually. School districts are required to work with the Washington Interscholastic Activities Assoc. (WIAA) to develop guidelines for safe play and private non-profit youth leagues must comply as well. (see Solutions for Schools for materials and an instructional video).

Zackery's Legacy

As Dr. Stanley Herring, team physician for the Seattle Seahawks, co-medical Director of the Seattle Sports Concussion Clinic, and co-author of the new law recently said about the Lystedts, "Zackery is a wonderful young man, with an extraordinary family who all along has offered a level of support and love that is truly inspiring." The entire youth sports community has two words to say to Zackery and his parents: Thank you.

By: Jean Rickerson, Editor

[CBS video/ Zackery's story](#)

SportsConcussions.org

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Facebook: [Sports Concussions.org](#)

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[brain injuries including concussions](#)

[What becomes of athletes who suffer concussions when young?](#)

[Tennessee tightens concussion policies for coming school year](#)

[Study suggests athletes may need even more time after concussion to fully heal](#)

[NJ female teen athlete suffered 15 concussions now struggles daily](#)

[Emergency room visits for kids with head injuries increased 43% in the last five years](#)

[High school softball adds concussion rule](#)

[Pro soccer player Twellman ends season due to symptoms from concussion suffered 2 years ago](#)

[Pirates players collide leaving second baseman unconscious; out for series with concussion](#)

[Study shows most parents unaware of their local school's concussion policies](#)

[Six-yr-old sustains concussion attempting flip off diving board](#)

[Quebec bans bodychecking in youth hockey and reduces concussions significantly](#)

[Neck muscle strength plays a role in concussion prevention](#)

[ESPN's Preston Plevetes' concussion story, former La Salle football player](#)

[Zackery Lystedt inspired WA State's concussion law, the Lystedt Law](#)

[Eagles wide receiver felt pressured by asst coach to return after concussion last season](#)

[Concussion Basics](#)



[Air Force Academy basketball player plagued by headaches since Nov. concussion, hopes new medication helps](#)

[Are headguards the answer for soccer players? Some athletes and coaches in ME believe so](#)

Date (time) needed _____

LRB - 1620 / 1

PK : JF: _____

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** ..concussions and other head injuries..
..sustained in interscholastic athletics and
..granting rulemaking authority..

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

Analysis by the Legislative Reference Bureau

- If titles are needed in the analysis, in the component bar:
 - For the main heading, execute: create → anal: → title: → head
 - For the subheading, execute: create → anal: → title: → sub
 - For the sub-subheading, execute: create → anal: → title: → sub-sub
- For the analysis text, in the component bar:
 - For the text paragraph, execute: create → anal: → text

(attached)

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

SECTION #.

ANALYSIS

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

The bill ^{also} directs DPI to promulgate rules requiring that a pupil athlete 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 ^{rules} must also prohibit a pupil who

has been so removed from ~~returning~~
~~to the~~ practicing or ^{playing in a} game until he ^{or} she
^{care}
 is evaluated by a health care provider
 who
 who has been trained in the evaluation
 and management of concussion and head
^{clearance}
 injuries and receives a written clearance
 to ^{do so} from the health care provider. ^{care}

The bill provides that if a health care
^{care}
 provider ^{who} is a volunteer, he ^{or} she is
^{immune}
~~not civilly liable~~ immune from civil liability, for
^{for}
 any injury resulting from that act unless
^{or}
 the act constitutes gross negligence or
^{or} ^{wanton}
 willful or wanton misconduct.

¶ In the bill, "health care provider"

authorizes a pupil to practice
^{or}
 or play in a game,

~~#~~ means a physician, ~~or~~ physician
 assistant, advanced practice nurse
 or
 prescriber, or an athletic trainer.

FE/S

SEC. CR. 115.352

(B)

115.352 Concussion and head injury.

(B)

~~guidelines~~ (1) In conjunction with the Wisconsin Interscholastic Athletics Association, the department shall develop guidelines and other ~~pertinent~~ information for the purpose of athletic educating ~~students~~ coaches and pupil athletes and their parents or guardians about the nature and risk of concussion and head injury in sports.

INSERT

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

1. 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.

2. That a pupil who has been removed from a practice or game under par. (a) [✓] not ~~return to the~~ ^{practice} practice ^{or} ^{play in} or a game until he ^{or} she is evaluated by a health care provider [✓] ^{who} who ~~is~~ has been trained in the evaluation ^{and management} of concussion ^{and} and head injuries ^{and} receives a written clearance to ^{do} do so from the health care provider.

(c) Any volunteer who authorizes a pupil to ~~return to the~~ practice ^{or} ^{play in a} or game under the rules promulgated under par. (b) 2. is immune from civil liability for any injury resulting from ~~any act or omission in~~ ^{act} that act unless the act constitutes ^{negligence} gross negligence ^{or} or willful ^{or wanton} or wanton misconduct.

(End)

INSERT

(3)

(2) (a) In this subsection, "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.

DN

Date

LRB-1620/1dn

PG: kjf

Representative Fields:

Please note the definition of "health care
professional" in s. 115.352(2)(a):

a physician, physician assistant, advanced
practice nurse prescriber, or athletic trainer. Although

The Washington Law does not ^{define} the

term, so I used the definition I found in

a description of the law at sportsconcussions.org.

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1620/1dn
PG:kjf:ph

March 21, 2011

Representative Fields:

Please note the definition of "health care professional" in s. 115.352 (2) (a): a physician, physician assistant, advanced practice nurse prescriber, or athletic trainer. The Washington Law does not define the term, so I used the definition I found in a description of the law at sportsconcussions.org.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Grant, Peter

From: Youngman, Lori
Sent: Wednesday, April 20, 2011 4:49 PM
To: Grant, Peter
Subject: Rep. Fields concussion draft LRB 1620

Attachments: colorado concussionbill.pdf

Peter,

Attached is the Colorado concussion legislation that recently passed.



colorado
ncussionbill.pdf (3)

Rep. Fields would like to redraft LRB 1620 to include the following provisions from the Colorado bill:

25-43-102 Definitions (3) "Youth Athletic Activity, excluding the third from the bottom line "*activity that is entered into for instructional purposes only*"

25-43-103 organized school athletic activities - concussion guidelines required (1) (a) and (b) can we use this language to require them to use the information and guidelines developed by DPI and WIAA?

In LRB 1620 he would also like to remove the requirement that DPI promulgate rules page 2, 2(b)

And add in the language from the Washington state law requiring "*On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete and the athlete's parent and/or guardian prior to the youth athlete's initiating practice or competition.*"

Please call if you have any questions.

Thank you.

Lori Youngman
Office of State Rep. Jason Fields
304 West State Capitol
PO Box 8952
Madison, WI 53708
608-266-3756

bill wd. apply to all
"youth athletic activity"

(in a way, no parent signature needed)

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 11-040

BY SENATOR(S) Spence and Newell, Aguilar, Boyd, Guzman, Heath, Hudak, Johnston, Nicholson, Schwartz, Shaffer B., Tochtrop, White, Giron, King S.;
also REPRESENTATIVE(S) Summers and Todd, Casso, Fields, Fischer, Hamner, Hullinghorst, Labuda, Peniston, Ryden, Solano, Soper, Vigil, Williams A.

CONCERNING THE REQUIREMENT THAT A COACH OF AN ORGANIZED YOUTH ATHLETIC ACTIVITY FOLLOW CONCUSSION GUIDELINES, AND, IN CONNECTION THEREWITH, CREATING THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 43 **Required Head Trauma Guidelines**

25-43-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

25-43-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "HEALTH CARE PROVIDER" MEANS A DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER, LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND MANAGEMENT.

(2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL SUBDIVISION THEREOF.

(3) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY OR IN PRACTICE OR PREPARATION FOR AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE ~~AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY,~~ AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM, ~~OR A LESSON.~~

del →

25-43-103. Organized school athletic activities - concussion guidelines required. (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(2) (a) THE CONCUSSION RECOGNITION EDUCATION COURSE

REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING:

(I) INFORMATION ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF A CONCUSSION;

(II) THE NECESSITY OF OBTAINING PROPER MEDICAL ATTENTION FOR A PERSON SUSPECTED OF HAVING A CONCUSSION; AND

(III) INFORMATION ON THE NATURE AND RISK OF CONCUSSIONS, INCLUDING THE DANGER OF CONTINUING TO PLAY AFTER SUSTAINING A CONCUSSION AND THE PROPER METHOD OF ALLOWING A YOUTH ATHLETE WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

(b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

(3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

(4) (a) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE SCHOOL COACH OR PRIVATE OR PUBLIC RECREATIONAL FACILITY'S DESIGNATED PERSONNEL SHALL NOTIFY THE ATHLETE'S PARENT OR LEGAL GUARDIAN AND SHALL NOT PERMIT THE YOUTH ATHLETE TO RETURN TO PLAY OR PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES INVOLVING PHYSICAL EXERTION, INCLUDING GAMES, COMPETITIONS, OR PRACTICES, UNTIL HE OR SHE IS EVALUATED BY A HEALTH CARE PROVIDER AND RECEIVES WRITTEN CLEARANCE TO RETURN TO PLAY FROM THE HEALTH CARE PROVIDER. THE HEALTH CARE PROVIDER EVALUATING A YOUTH ATHLETE SUSPECTED OF HAVING A CONCUSSION OR BRAIN INJURY MAY BE A VOLUNTEER.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS

SUBSECTION (4), A DOCTOR OF CHIROPRACTIC WITH TRAINING AND SPECIALIZATION IN CONCUSSION EVALUATION AND MANAGEMENT MAY EVALUATE AND PROVIDE CLEARANCE TO RETURN TO PLAY FOR AN ATHLETE WHO IS PART OF THE UNITED STATES OLYMPIC TRAINING PROGRAM.

(c) AFTER A CONCUSSED ATHLETE HAS BEEN EVALUATED AND RECEIVED CLEARANCE TO RETURN TO PLAY FROM A HEALTH CARE PROVIDER, AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER, A PRIVATE OR PUBLIC SCHOOL, A PRIVATE CLUB, A PUBLIC RECREATION FACILITY, OR AN ATHLETIC LEAGUE MAY ALLOW A REGISTERED ATHLETIC TRAINER WITH SPECIFIC KNOWLEDGE OF THE ATHLETE'S CONDITION TO MANAGE THE ATHLETE'S GRADUATED RETURN TO PLAY.

(5) NOTHING IN THIS ARTICLE ABROGATES OR LIMITS THE PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.; VOLUNTEERS AND BOARD MEMBERS PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR SKI AREA OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113, C.R.S.

SECTION 2. Act subject to petition - effective date. This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on January 1,

2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



State of Wisconsin
2011 - 2012 LEGISLATURE

8057

DN



LRB-1620/1
PG:kjf:ph

2

2011 BILL

regen.

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 youth athletic activities

Analysis by the Legislative Reference Bureau

This bill directs the Department of Public Instruction (DPI) in conjunction with the Wisconsin Interscholastic Athletic 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 also directs DPI to promulgate rules requiring 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 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.

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a youth athletic activity
A person = person

INS. A

requires that a person

may not participate in a youth athletic activity, or participate in the activity

participate in a youth athletic activity

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} ~~118.352~~ of the statutes is created to read:

2 ~~118.352~~ ^{118.293} Concussion and head injury. ^{(2) (3)} In conjunction with the Wisconsin Interscholastic Athletics 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} sports.

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7 no # (1) ^(c) ~~(1)~~ In this subsection, "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.

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

11 ⁽⁴⁾ (a) ^(c) ~~That~~ a ^{person} pupil who is suspected of sustaining a concussion or head injury in ^{a youth athletic activity} an athletic practice or game be removed from the ^{youth athletic activity} practice or game immediately.

12
13 (b) ~~That~~ a ^{person} pupil who has been removed from a ^{youth athletic activity} practice or game under ~~par. (a)~~ ^{par. (a)} may not ^{participate in a youth athletic activity} practice or play 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 ^{participate in the activity} do so from the health care provider.

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17 ⁽⁵⁾ ^(c) Any volunteer who authorizes a ^{person} pupil to ^{participate} practice or play in a ^{youth athletic activity} game ^{sub. (4) (b)} under the rules promulgated under ~~par. (b) 2~~ is immune from civil liability for any injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct.

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BILL

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

SECTION 2. 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, 118.293, 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.

(END)

(A)

youth athletic activities. The bill defines "youth athletic activity" ^{with certain exception} as an organized athletic activity in which the ~~majority~~ 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 ^{or} in practice ^{or} preparation ^{for} an organized athletic game ^{or} competition against another team, club, ^{or entity}, ~~in which the majority~~ of participants are at least 11 and under 19 years of age.



B

State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1943/1
PG:kjf:rs

2011 BILL

a youth athletic activity

person operating a youth athletic activity

person who wishes to participate in the activity

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.

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.

person

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.

person and, if he or she is under the age of 19, by

25-43-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "HEALTH CARE PROVIDER" MEANS A DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER, LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND MANAGEMENT.

(2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL SUBDIVISION THEREOF.

(b) ~~"YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC ACTIVITY WHEREIN THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY, OR IN PRACTICE OR PREPARATION FOR AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY, AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM,~~

NO ALL CAPS

athletic

in which the participants, a 19 whom

at least 11

engaged

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activity or

25-43-103. Organized school athletic activities - concussion guidelines required. (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(2) (a) THE CONCUSSION RECOGNITION EDUCATION COURSE

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(B)

(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 the youth athletic activity. No person may participate in a youth athletic activity unless the person returns the information sheet signed by the person and his or her parent or guardian.

, if he or she is under the age of 19, by

DN

Date

LRB-1620/2 dn
PG: kjf

Representative Fields,

I think there are two provisions in the draft that ^{would be clarified} ~~are unclear~~.

First, the draft requires that a person suspected of sustaining a concussion ^{or} head injury ~~must~~ be removed from the athletic activity immediately.

But the draft does not specify who is responsible for determining whether a participant may have ^{nor} sustained a head injury nor who is responsible for ^{removing} removing the participant from the activity. Second, in the definition of "youth athletic activity," the meaning of "an activity that is incidental to a ^{unclear} nonathletic program" is unclear to me.

Please let me know if you would like

me to assist you or your staff in
clarifying these two areas.

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1620/2dn
PG:kjf:jf

April 28, 2011

Representative Fields,

I think there are two provisions in the draft that could be clarified. First, the draft requires that a person suspected of sustaining a concussion or head injury be removed from the athletic activity immediately. But the draft does not specify who is responsible for determining whether a participant may have sustained a head injury nor who is responsible for removing the participant from the activity. Second, in the definition of "youth athletic activity," the meaning of "an activity that is incidental to a nonathletic program" is unclear to me.

Please let me know if you would like me to assist you or your staff in clarifying these two areas.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Barman, Mike

From: Youngman, Lori
Sent: Monday, May 23, 2011 9:34 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1620/2 Topic: Concussion and head injury guidelines

Please Jacket LRB 11-1620/2 for the ASSEMBLY.