

State of Misconsin 2011 - 2012 LEGISLATURE



ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2011 ASSEMBLY BILL 259

October 12, 2011 – Offered by Representatives FIELDS and KNUDSON.

1	AN ACT to amend 119.04 (1); and to create 118.293 of the statutes; relating to:
2	concussions and other head injuries sustained in youth athletic activities.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
3	SECTION 1. 118.293 of the statutes is created to read:
4	118.293 Concussion and head injury. (1) In this section, "youth athletic
5	activity" means an organized athletic activity in which the participants, a majority
6	of whom are under 19 years of age, are engaged in an athletic game or competition
7	against another team, club, or entity, or in practice or preparation for an organized
8	athletic game or competition against another team, club, or entity. "Youth athletic
9	activity" does not include a college or university activity or an activity that is
10	incidental to a nonathletic program.
11	(2) In conjunction with the Wisconsin Interscholastic Athletic Association, the

12 department shall develop guidelines and other information for the purpose of

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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.

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

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

(b) A person who has been removed from a youth athletic activity under par.
(a) 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.

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

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

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

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3 SECTION 2. 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and
32, 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, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 8 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 9 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 10 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, <u>118.293</u>, 118.30 11 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125, 12 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 13 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and 14 board.
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(END)