

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB259)

Received: 10/07/2011

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 - miscellaneous

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:

Concussions and head injuries in youth athletic activities

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 10/07/2011 | kfollett 10/10/2011 | | _____ | | | |
| /1 | pgrant 10/10/2011 | kfollett 10/10/2011 | phenry 10/10/2011 | _____ | lparisi 10/10/2011 | lparisi 10/10/2011 | |
| /2 | | | phenry 10/10/2011 | _____ | lparisi 10/10/2011 | lparisi 10/10/2011 | |

FE Sent For:

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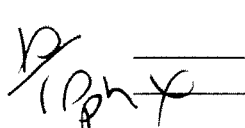
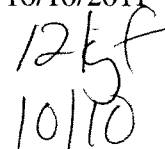
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| /1 | |  10/10 | phenry 10/10/2011 | _____ | lparisi 10/10/2011 | lparisi 10/10/2011 | _____ |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/? | pgrant | 11/5f 10/10 | 10/10 ph | JFph | | | |

FE Sent For:

<END>

Grant, Peter

From: Youngman, Lori
Sent: Friday, October 07, 2011 1:27 PM
To: Grant, Peter
Cc: Delaporte, Bob
Subject: Amendment to AB 259

Peter,

Rep. Fields would like to have any amendment drafted to AB 259 with the following changes:

1. Remove the definition of "health care provider", page 2 lines 3-5
2. Remove "at least 11 years of age and" page 2 line 7
3. On page 2 line 17 remove "Annually" and replace with "Seasonally" (like the Darling bill)
4. In the section beginning on page 2 line 17 add coach as a person to receive the information on concussion and head injury. (like the Darling bill)
5. ~~Page 3 line 11 in addition to "volunteer" add coaches and officials.~~
6. Page 3 line 12 after (4) add "(a)"
7. As we discussed on the phone at the end of the bill add in the Minnesota language: *this section does not create any additional liability for, or create any new cause of legal action against a city, business, or nonprofit organization or any officer or employee of a city, business, or nonprofit organization.*

Please call if you have questions.

Thank you.

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



State of Wisconsin
2011 - 2012 LEGISLATURE

Tuesday
9 a.m.



LRB-1820/2

PG:kjf:jj

LRBs 0203/1
PG. 15f

A. SUBST. AMDT.
To 2011 ASSEMBLY BILL 259

September 15, 2011 - Introduced by Representatives FIELDS, RIPP, HULSEY, KRUG, SPANBAUER, WYNN, PASCH, ENDSLEY, E. COGGS, BERSEAU, STASKUNAS, BERNIER and BERNARD SCHABER, cosponsored by Senators DARLING, LASSA and TAYLOR. Referred to Committee on Education.

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, 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 the} youth athletic activity shall distribute a
 18 concussion and head injury information sheet to each person who wishes to
 19 participate in ~~the~~ ^{that} youth athletic activity. No person may participate in a youth

At the beginning of a season for a youth athletic activity

will be coaches that youth athletic activity and to each person who

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) ^{JMS. 3-11} 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.

3-13 →

14 SECTION 2. 119.04 (1) of the statutes ^{as affected by 2011 Wisconsin Acts 10 and 32,} 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, ^{118.223, ← plain}
20 118.24 (1), (2) (c) to (f), (6), (8), and (10), ^{118.245, ← plain} 118.255, 118.258, 118.291, 118.293, 118.30
21 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 ^{(4m), ← plain} (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)

3-11

(a) Any athletic coach, official involved in an athletic activity, or volunteer who ~~removes~~ ~~a person~~ or 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 ~~an~~ omission unless it constitutes ^{gross} negligence or willful or wanton misconduct.

9 (b)

3-13

(B)
(6) This section does not create any ~~additional~~ liability ^{for}, or a cause of action against, any person.



Thes. a.m.



2

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL 259**

P 3

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.

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

1 educating athletic coaches and pupil athletes and their parents or guardians about
2 the nature and risk of concussion and head injury in youth athletic activities.

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.

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

13 (b) A person who has been removed from a youth athletic activity under par.
14 (a) may not participate in a youth athletic activity until he or she is evaluated by a
15 health care provider who has been trained in the evaluation and management of
16 concussion and head injuries and receives a written clearance to participate in the
17 activity from the health care provider.

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

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

1

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

2

3

SECTION 2. 119.04 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

4

5

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, 115.365 (3), 115.38 (2), 115.445, 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, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (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.

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(END)