



---

## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

---

<b>2011 Wisconsin Act 172</b> [2011 Assembly Bill 259]	<b>Concussions in Youth Athletic Activities</b>
---	---

### **Guidelines and Information**

2011 Wisconsin Act 172 directs the Department of Public Instruction (DPI), in consultation with the Wisconsin Interscholastic Athletic Association (WIAA), 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. For purposes of the Act, “youth athletic activity,” is defined as an organized athletic activity in which the participants, a majority of whom are 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. A youth athletic activity does not include a college or university activity or an activity that is incidental to a nonathletic program.

Act 172 specifies that at the beginning of a season for a youth athletic activity, each person operating a youth athletic activity is required to distribute a concussion and head injury information sheet to each person who wishes to participate in the activity. A person is prohibited 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.

### **Removal From Play**

Act 172 requires an athletic coach, official involved in a youth athletic activity, or a health care provider to remove a person from the activity if the coach, official, or health care provider determines that the person exhibits signs, symptoms, or behavior consistent with a concussion or head injury, or the coach, official, or health care provider suspects the person has sustained a concussion or head injury. The Act further provides that a person who has been so removed may not participate in a youth athletic

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

activity until he or she is evaluated by a health care provider and receives a written clearance to participate in the activity from the health care provider.

The Act defines a “health care provider” as a person to whom all of the following apply:

- The person holds a credential that authorizes the person to provide health care;
- The person is trained and has experience in evaluating and managing pediatric concussions and head injuries; and
- The person is practicing within the scope of his or her credential. A “credential” is defined to mean a license or certificate of certification issued by this state.

### **Return to Play**

Act 172 provides that a person who has been removed from a youth athletic activity may not participate in a youth athletic activity until he or she is evaluated by a health care provider, as defined in the Act, and receives a written clearance to participate in the activity from the health care provider.

### **Immunity From Civil Liability**

The Act provides that any athletic coach, official involved in a youth athletic activity or volunteer who fails to remove a person suspected of sustaining a concussion or head injury in a youth athletic activity is immune from civil liability for any injury resulting from that omission unless it constitutes gross negligence or willful or wanton misconduct. If a health care provider who is a volunteer authorizes a person to return to play in a youth athletic activity, he or she is immune from civil liability for an injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct.

The Act further specifies that its provisions do not create any liability for, or a cause of action against, any person.

***Effective date:*** 2011 Wisconsin Act 172 took effect on April 17, 2012.

***Prepared by:*** Rachel Letzing, Senior Staff Attorney

May 15, 2012

REL:jb;ksm