



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 259

**Assembly Substitute
Amendment 1, as Amended by
Assembly Amendments 1 and 5**

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Assembly Substitute Amendment 1 does all of the following:

- Directs the Department of Public Instruction (DPI), in conjunction 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. “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. It does not include an activity that is incidental to a nonathletic program.
- 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 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.
- 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. The substitute amendment further provides that 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.
- Specifies that any athletic coach, official involved in an 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 failure to

remove 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.

- Specifies that this bill does not create any liability for, or a cause of action against, any person.

Assembly Amendment 1 to Assembly Substitute Amendment 1

Assembly Amendment 1 specifies that DPI must 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 “in consultation with” the WIAA, instead of “in conjunction with” the WIAA.

Assembly Amendment 5 to Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 provides that a person who is suspected of sustaining a concussion or head injury in a youth athletic activity must be removed from the activity immediately.

Assembly Amendment 5 removes this language and specifies instead that an athletic coach or official involved in a youth athletic activity or health care provider must 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.

Assembly Substitute Amendment 1 does not define “health care provider” for purposes of the substitute amendment. Assembly Amendment 5 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.

Legislative History

On November 3, 2011, the Assembly adopted Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Amendment 5 to Assembly Substitute Amendment 1, both by voice votes. The Assembly then adopted Assembly Substitute Amendment 1, as amended, and passed the bill, as amended, by a voice vote.

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