

PROTECTION OF ATHLETES WITH HEAD INJURIES

2011 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill enacts the Protection of Athletes With Head Injuries Act within the Utah Health Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires an amateur sports organization to:
 - adopt and enforce a concussion and head injury policy;
 - inform a parent or guardian of the policy, and obtain the parent's or guardian's signature on the policy, before permitting a child to participate in a sporting event;
- ▶ describes the requirements of a concussion and head injury policy;
- ▶ requires removal of a child from a sporting event when the child is suspected of sustaining a concussion or head injury; and
- ▶ prohibits a child described in the preceding paragraph from participating in a sporting event of the amateur sports organization until the child receives medical clearance from a health care provider trained in the evaluation and management of a concussion.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-53-101, Utah Code Annotated 1953

26-53-102, Utah Code Annotated 1953

26-53-201, Utah Code Annotated 1953

33 26-53-301, Utah Code Annotated 1953

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section 26-53-101 is enacted to read:

37 **CHAPTER 53. PROTECTION OF ATHLETES WITH HEAD INJURIES ACT**

38 **Part 1. General Provisions**

39 **26-53-101. Title.**

40 This chapter is known as the "Protection of Athletes With Head Injuries Act."

41 Section 2. Section 26-53-102 is enacted to read:

42 **26-53-102. Definitions.**

43 As used in this chapter:

44 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

45 (2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

46 (i) a sports team;

47 (ii) a public or private school;

48 (iii) a public or private sports league;

49 (iv) a public or private sports camp; or

50 (v) any other public or private organization that organizes, operates, manages, or
51 sponsors a sporting event for its members, enrollees, or attendees.

52 (b) "Amateur sports organization" does not include a professional:

53 (i) team;

54 (ii) league; or

55 (iii) sporting event.

56 (3) "Child" means an individual who is under the age of 18.

57 (4) "Licensed health care provider" means:

58 (a) a physician or surgeon licensed under:

59 (i) Title 58, Chapter 67, Utah Medical Practice Act; or

60 (ii) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

61 (b) a physician assistant, licensed under Title 58, Chapter 70a, Physician Assistant Act;

62 or

63 (c) an athletic trainer, as defined in Section 58-40a-102.

64 (5) "Sporting event" means any of the following athletic activities that is organized,
65 operated, managed, or sponsored by any organization:

66 (a) a game;

67 (b) a practice;

68 (c) a sports camp;

69 (d) a physical education class;

70 (e) a competition; or

71 (f) a tryout.

72 Section 3. Section **26-53-201** is enacted to read:

73 **Part 2. Concussion and Head Injury Policy**

74 **26-53-201. Adoption and enforcement of concussion and head injury policy --**

75 **Notice of policy to parent or guardian.**

76 Each amateur sports organization shall:

77 (1) adopt and enforce a concussion and head injury policy that:

78 (a) is consistent with the requirements of Section 26-53-301; and

79 (b) describes the nature and risk of:

80 (i) a concussion or head injury; and

81 (ii) continuing to participate in a sporting event after sustaining a concussion or head
82 injury;

83 (2) ensure that each agent of the amateur sports organization is familiar with, and has a
84 copy of, the concussion and head injury policy; and

85 (3) before permitting a child to participate in a sporting event of the amateur sports
86 organization:

87 (a) provide a written copy of the concussion and head injury policy to a parent or legal
88 guardian of a child; and

89 (b) obtain the signature of a parent or guardian of the child, acknowledging that the
90 parent or legal guardian has read, understands, and agrees to abide by, the concussion and head
91 injury policy.

92 Section 4. Section **26-53-301** is enacted to read:

93 **Part 3. Medical Clearance**

94 **26-53-301. Removal of child suspected of sustaining concussion or head injury --**

95 **Medical clearance required before return to participation.**

96 An amateur sports organization, and each agent of the amateur sports organization,

97 shall:

98 (1) immediately remove a child from participating in a sporting event of the amateur
99 sports organization if the child is suspected of sustaining a concussion or head injury; and

100 (2) prohibit the child described in Subsection(1) from participating in a sporting event
101 of the amateur sports organization until the child:

102 (a) is evaluated by a licensed health care provider who is trained in the evaluation and
103 management of a concussion; and

104 (b) provides to the amateur sports organization written clearance from the licensed
105 health care provider described in Subsection (2)(a) for the child to resume participation in the
106 sporting event of the amateur sports organization.

Legislative Review Note
as of 10-8-10 12:00 PM

Office of Legislative Research and General Counsel