

Senator John L. Valentine proposes the following substitute bill:

PROTECTION OF ATHLETES WITH HEAD INJURIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: John L. Valentine

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; and
 - inform a parent or legal guardian of the policy and obtain the parent's or legal 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 traumatic 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 qualified health care provider trained in the evaluation and management of a concussion.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **26-53-101**, Utah Code Annotated 1953

33 **26-53-102**, Utah Code Annotated 1953

34 **26-53-201**, Utah Code Annotated 1953

35 **26-53-301**, Utah Code Annotated 1953



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

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

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

40 **Part 1. General Provisions**

41 **26-53-101. Title.**

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

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

44 **26-53-102. Definitions.**

45 As used in this chapter:

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

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

48 (i) a sports team;

49 (ii) a public or private school;

50 (iii) a public or private sports league;

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

52 (v) any other public or private organization that organizes, operates, manages, or

53 sponsors a sporting event for its members, enrollees, or attendees.

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

55 (i) team;

56 (ii) league; or

57 (iii) sporting event.

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

59 (4) "Qualified health care provider" means a health care provider who:

60 (a) is licensed under Title 58, Occupations and Professions; and

61 (b) may evaluate and manage a concussion within the health care provider's scope of
62 practice.

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

65 (i) a game;

66 (ii) a practice;

67 (iii) a sports camp;

68 (iv) a physical education class;

69 (v) a competition; or

70 (vi) a tryout.

71 (b) "Sporting event" does not include the issuance of a lift ticket or pass by a ski resort,
72 the use of the ticket or pass, or a ski or snowboarding class or school at a ski resort, unless the
73 skiing or snowboarding is part of a camp, team, or competition that is organized, managed, or
74 sponsored by the ski resort.

75 (6) "Traumatic head injury" means an injury to the head arising from blunt trauma, an
76 acceleration force, or a deceleration force, with one of the following observed or self-reported
77 conditions attributable to the injury:

78 (a) transient confusion, disorientation, or impaired consciousness;

79 (b) dysfunction of memory;

80 (c) loss of consciousness; or

81 (d) signs of other neurological or neuropsychological dysfunction, including:

82 (i) seizures;

83 (ii) irritability;

84 (iii) lethargy;

85 (iv) vomiting;

86 (v) headache;

87 (vi) dizziness; or

88 (vii) fatigue.

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

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

91 **26-53-201. Adoption and enforcement of concussion and head injury policy --**

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

93 Each amateur sports organization shall:

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

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

96 (b) describes the nature and risk of:

97 (i) a concussion or a traumatic head injury; and

98 (ii) continuing to participate in a sporting event after sustaining a concussion or a
99 traumatic head injury;

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

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

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

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

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

110 **Part 3. Medical Clearance**

111 **26-53-301. Removal of child suspected of sustaining concussion or a traumatic**
112 **head injury -- Medical clearance required before return to participation.**

113 (1) An amateur sports organization, and each agent of the amateur sports organization,
114 shall:

115 (a) immediately remove a child from participating in a sporting event of the amateur
116 sports organization if the child is suspected of sustaining a concussion or a traumatic head
117 injury; and

118 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting

119 event of the amateur sports organization until the child:

120 (i) is evaluated by a qualified health care provider who is trained in the evaluation and
121 management of a concussion; and

122 (ii) provides the amateur sports organization with a written statement from the
123 qualified health care provider described in Subsection (1)(b)(i) stating that:

124 (A) the qualified health care provider has, within three years before the day on which
125 the written statement is made, successfully completed a continuing education course in the
126 evaluation and management of a concussion; and

127 (B) the child is cleared to resume participation in the sporting event of the amateur
128 sports organization.

129 (2) This section does not create a new cause of action.

FISCAL NOTE

H.B. 204 1st Sub. (Buff)

SHORT TITLE: **Protection of Athletes with Head Injuries**

SPONSOR: **Ray, P.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.