

Chapter 53
Protection of Athletes with Head Injuries Act

Part 1
General Provisions

26-53-101 Title.

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

Enacted by Chapter 97, 2011 General Session

26-53-102 Definitions.

As used in this chapter:

- (1) "Agent" means a coach, teacher, employee, representative, or volunteer.
- (2)
 - (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):
 - (i) a sports team;
 - (ii) a public or private school;
 - (iii) a public or private sports league;
 - (iv) a public or private sports camp; or
 - (v) any other public or private organization that organizes, manages, or sponsors a sporting event for its members, enrollees, or attendees.
 - (b) "Amateur sports organization" does not include a professional:
 - (i) team;
 - (ii) league; or
 - (iii) sporting event.
- (3) "Child" means an individual who is under the age of 18.
- (4) "Qualified health care provider" means a health care provider who:
 - (a) is licensed under Title 58, Occupations and Professions; and
 - (b) may evaluate and manage a concussion within the health care provider's scope of practice.
- (5)
 - (a) "Sporting event" means any of the following athletic activities that is organized, managed, or sponsored by an organization:
 - (i) a game;
 - (ii) a practice;
 - (iii) a sports camp;
 - (iv) a physical education class;
 - (v) a competition; or
 - (vi) a tryout.
 - (b) "Sporting event" does not include:
 - (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of a camp, team, or competition that is organized, managed, or sponsored by the ski resort;
 - (ii) as applied to a government entity, merely making available a field, facility, or other location owned, leased, or controlled by the government entity to an amateur sports organization or a child, regardless of whether the government entity charges a fee for the use; or
 - (iii) free play or recess taking place during school hours.

- (6) "Traumatic head injury" means an injury to the head arising from blunt trauma, an acceleration force, or a deceleration force, with one of the following observed or self-reported conditions attributable to the injury:
- (a) transient confusion, disorientation, or impaired consciousness;
 - (b) dysfunction of memory;
 - (c) loss of consciousness; or
 - (d) signs of other neurological or neuropsychological dysfunction, including:
 - (i) seizures;
 - (ii) irritability;
 - (iii) lethargy;
 - (iv) vomiting;
 - (v) headache;
 - (vi) dizziness; or
 - (vii) fatigue.

Amended by Chapter 18, 2013 General Session

Part 2 Concussion and Head Injury Policy

26-53-201 Adoption and enforcement of concussion and head injury policy -- Notice of policy to parent or guardian.

Each amateur sports organization shall:

- (1) adopt and enforce a concussion and head injury policy that:
 - (a) is consistent with the requirements of Section 26-53-301; and
 - (b) describes the nature and risk of:
 - (i) a concussion or a traumatic head injury; and
 - (ii) continuing to participate in a sporting event after sustaining a concussion or a traumatic head injury;
- (2) ensure that each agent of the amateur sports organization is familiar with, and has a copy of, the concussion and head injury policy; and
- (3) before permitting a child to participate in a sporting event of the amateur sports organization:
 - (a) provide a written copy of the concussion and head injury policy to a parent or legal guardian of a child; and
 - (b) obtain the signature of a parent or legal guardian of the child, acknowledging that the parent or legal guardian has read, understands, and agrees to abide by, the concussion and head injury policy.

Enacted by Chapter 97, 2011 General Session

Part 3 Medical Clearance

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

- (1) An amateur sports organization, and each agent of the amateur sports organization, shall:
 - (a) immediately remove a child from participating in a sporting event of the amateur sports organization if the child is suspected of sustaining a concussion or a traumatic head injury; and
 - (b) prohibit the child described in Subsection (1)(a) from participating in a sporting event of the amateur sports organization until the child:
 - (i) is evaluated by a qualified health care provider who is trained in the evaluation and management of a concussion; and
 - (ii) provides the amateur sports organization with a written statement from the qualified health care provider described in Subsection (1)(b)(i) stating that:
 - (A) the qualified health care provider has, within three years before the day on which the written statement is made, successfully completed a continuing education course in the evaluation and management of a concussion; and
 - (B) the child is cleared to resume participation in the sporting event of the amateur sports organization.
- (2) This section does not create a new cause of action.

Enacted by Chapter 97, 2011 General Session

Part 4 Student Injury Evaluation

26-53-401 School nurses evaluating student injuries.

- (1) A school nurse may assess a child who is suspected of sustaining a concussion or a traumatic head injury during school hours on school property regardless of whether the nurse has received specialized training in the evaluation and management of a concussion.
- (2) A school nurse who does not meet the requirements of Subsections 26-53-301(1)(b)(i) and (1)(b)(ii)(A), but who assesses a child who is suspected of sustaining a concussion or traumatic head injury under Subsection (1):
 - (a) shall refer the child to a qualified health care provider who is trained in the evaluation and management of a concussion; and
 - (b) may not provide a written statement permitting the child to resume participation in free play or physical education class under Subsection 26-53-301(1)(b)(ii).
- (3) A school nurse shall undergo training in the evaluation and management of a concussion, as funding allows.

Amended by Chapter 165, 2014 General Session