

1 **PROTECTION OF ATHLETES WITH HEAD INJURIES**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: John L. Valentine

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ requires an amateur sports organization to:
- 15 • adopt and enforce a concussion and head injury policy; and
 - 16 • inform a parent or ~~H~~→ legal ←~~H~~ guardian of the policy and obtain the parent's or

16a guardian's
17 signature on the policy before permitting a child to participate in a sporting
18 event;

- 19 ▶ describes the requirements of a concussion and head injury policy;
- 20 ▶ requires removal of a child from a sporting event when the child is suspected of
- 21 sustaining a concussion or head injury; and
- 22 ▶ prohibits a child described in the preceding paragraph from participating in a

23 sporting event of the amateur sports organization until the child receives medical
24 clearance from a ~~H~~→ qualified ←~~H~~ health care provider trained in the evaluation and
24a management of a
25 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) " ~~H~~ **→** [Licensed] Qualified ~~H~~ health care provider" means ~~H~~ **→** [:
- 60 ~~(a) a physician or surgeon licensed under:~~
- 61 ~~(i) Title 58, Chapter 67, Utah Medical Practice Act; or~~
- 62 ~~(ii) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;~~
- 63 ~~(b) a physician assistant, licensed under Title 58, Chapter 70a, Physician Assistant Act;~~
- 64 ~~or~~
- 65 ~~(c) an athletic trainer, as defined in Section 58-40a-102.] a health care provider who:~~
- 65a (a) is licensed under Title 58, Division of Occupational and Professional
- 65b Licensing Act; and
- 65c (b) may evaluate and manage a concussion within the health care provider's
- 65d scope of practice. ~~H~~
- 66 (5) ~~S~~ **→** ~~(a)~~ ~~S~~ "Sporting event" means any of the following athletic activities that is organized,
- 67 operated, managed, or sponsored by any organization:
- 68 ~~S~~ **→** ~~(a)~~ ~~(i)~~ ~~S~~ a game;
- 69 ~~S~~ **→** ~~(b)~~ ~~(ii)~~ ~~S~~ a practice;
- 70 ~~S~~ **→** ~~(c)~~ ~~(iii)~~ ~~S~~ a sports camp;
- 71 ~~S~~ **→** ~~(d)~~ ~~(iv)~~ ~~S~~ a physical education class;
- 72 ~~S~~ **→** ~~(e)~~ ~~(v)~~ ~~S~~ a competition; or
- 73 ~~S~~ **→** ~~(f)~~ ~~(vi)~~ ~~S~~ a tryout.
- 73a ~~S~~ **→** (b) "Sporting event" does not include the issuance of a ski pass by a ski resort, unless the
- 73b skiing is part of a camp, team, class, or competition that is organized, managed, or sponsored
- 73c by the ski resort. ~~S~~
- 74 Section 3. Section 26-53-201 is enacted to read:
- 75 **Part 2. Concussion and Head Injury Policy**
- 76 **26-53-201. Adoption and enforcement of concussion and head injury policy --**
- 77 **Notice of policy to parent or guardian.**
- 78 Each amateur sports organization shall:
- 79 (1) adopt and enforce a concussion and head injury policy that:
- 80 (a) is consistent with the requirements of Section 26-53-301; and
- 81 (b) describes the nature and risk of:
- 82 (i) a concussion or head injury; and
- 83 (ii) continuing to participate in a sporting event after sustaining a concussion or head
- 84 injury;
- 85 (2) ensure that each agent of the amateur sports organization is familiar with, and has a
- 86 copy of, the concussion and head injury policy; and
- 87 (3) before permitting a child to participate in a sporting event of the amateur sports
- 88 organization:
- 89 (a) provide a written copy of the concussion and head injury policy to a parent or legal

90 guardian of a child; and

91 (b) obtain the signature of a parent or ~~H→ legal ←H~~ guardian of the child,

91a acknowledging that the

92 parent or legal guardian has read, understands, and agrees to abide by, the concussion and head

93 injury policy.

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

95 **Part 3. Medical Clearance**

96 **26-53-301. Removal of child suspected of sustaining concussion or head injury --**

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

98 ~~H→ (1) ←H~~ An amateur sports organization, and each agent of the amateur sports organization,
99 shall:

100 ~~H→ [(1)] (a) ←H~~ immediately remove a child from participating in a sporting event
100a of the amateur

101 sports organization if the child is suspected of sustaining a concussion or head injury; and

102 ~~H→ [(2)] (b) ←H~~ prohibit the child described in Subsection (1) ~~H→ (a) ←H~~ from
102a participating in a sporting event

103 of the amateur sports organization until the child:

104 ~~H→ [(a)] (i) ←H~~ is evaluated by a ~~H→ [licensed] qualified ←H~~ health care provider
104a1 who is trained in the

104a evaluation and

105 management of a concussion; and

106 ~~H→ [(b)] (ii) ←H~~ provides to the amateur sports organization ~~H→ [written clearance]~~
106a1 with a written

106a statement ←H from the ~~H→ [licensed] qualified ←H~~

107 health care provider described in Subsection ~~H→ [(2)(a)] (1)(b)(i) [for the child] stating that:~~

107a [(1)] (A) the qualified health care provider has, within three years before the
107b1 day on which

107b the written statement is made, successfully completed a continuing education course in the

107c evaluation and management of a concussion; [and

107d ———(ii) the child is cleared to resume participation in the

108 sporting event of the amateur sports organization.]

108a ~~S→ [(B) the qualified healthcare provider has informed a parent or legal guardian~~

108b ~~of the child of the medical risks associated with the child resuming participation in a~~

108c ~~sporting event; and~~

108d ~~———(C) under the facts and circumstances, a parent's or legal guardian's decision to~~

108e ~~allow the child to participate in a sporting event is not medically unreasonable.]~~

108e1 and

108e2 (B) the child is cleared to resume participation in the sporting event of the amateur sports

108e3 organization. ←S

108f (2) This section does not create a new cause of action. ←H

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H.B. 204

as of 11-22-10 6:54 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 204, 2011 General Session

SHORT TITLE: Protection of Athletes with Head Injuries

SPONSOR: Ray, P.

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 and/or benefits 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.