

## HB0204S01 compared with HB0204

~~{deleted text}~~ shows text that was in HB0204 but was deleted in HB0204S01.

inserted text shows text that was not in HB0204 but was inserted into HB0204S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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

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#### 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;

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- ▶ 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.

### Money 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

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

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

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

### **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."

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

#### **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;

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(iv) a public or private sports camp; or

(v) any other public or private organization that organizes, operates, 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) "~~Licensed~~ **Qualified** health care provider" means ~~the~~

~~(a) a physician or surgeon licensed under:~~

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

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

~~(b) a physician assistant; **a health care provider who:**~~

~~(a) is licensed under Title 58, ~~Chapter 70a, Physician Assistant Act; or~~~~

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

~~(5) **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, operated, managed, or sponsored by ~~any~~ **an** organization:~~

~~(~~a~~)~~i~~) a game;~~

~~(~~b~~)~~ii~~) a practice;~~

~~(~~c~~)~~iii~~) a sports camp;~~

~~(~~d~~)~~iv~~) a physical education class;~~

~~(~~e~~)~~v~~) a competition; or~~

~~(~~f~~)~~vi~~) a tryout.~~

~~(b) **"Sporting event" does not include 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.**~~

~~(6) **"Traumatic head injury" means an injury to the head arising from blunt trauma, an**~~

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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.

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

### **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

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

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

### 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:

(~~1~~)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

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

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

(~~b~~)ii) provides ~~to~~ the amateur sports organization with a written ~~clearance~~ statement from the ~~licensed~~ qualified health care provider described in Subsection (~~2~~)a) ~~for the child~~ 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.

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### Legislative Review Note

— as of 11-22-10 6:54 AM

~~Office of Legislative Research and General Counsel~~; (2) This section does not create a new

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cause of action.