

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0016.02 Kristen Forrestal

SENATE BILL 11-040

SENATE SPONSORSHIP

Spence and Newell,

HOUSE SPONSORSHIP

Summers and Todd,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT A COACH OF AN ORGANIZED
102 YOUTH ATHLETIC ACTIVITY FOLLOW CONCUSSION GUIDELINES,
103 AND, IN CONNECTION THEREWITH, CREATING THE "JAKE
104 SNAKENBERG YOUTH CONCUSSION ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Each public and private middle school, junior high school, or high school, and each private club or recreation facility is directed to require

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

each coach with primary supervisory responsibility for a youth athletic activity to complete annual concussion recognition education. The education must include:

- ! Information on how to recognize the signs and symptoms of a concussion;
- ! The means of obtaining proper medical attention for a person suspected of having a concussion; and
- ! Information on the nature and risk of concussions.

If the coach suspects that a youth athlete has sustained a concussion, the bill requires the coach to immediately remove the youth athlete from a game, competition, or practice. Unless the signs or symptoms of a concussion can be readily explained by another condition, the youth athlete is not permitted to return to the game, competition, or practice unless the youth athlete has been evaluated by a health care provider and has received written clearance to return to play from the licensed health care provider.

The bill provides limited immunity to volunteer coaches and other individuals who assist as volunteers for youth athletic activities and to members of the board of directors or governing boards of a school district, private club, or recreation facility.

A youth athletic activity includes an organized athletic activity where the majority of the participants are 11 years of age or older and under 19 years of age.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 25, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 43**

5 **Required Head Trauma Guidelines**

6 **25-43-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 BE CITED AS THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".

8 **25-43-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "HEALTH CARE PROVIDER" MEANS A LICENSED PHYSICIAN,
11 LICENSED DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE
12 PRACTITIONER, LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF

1 PSYCHOLOGY WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION
2 EVALUATION AND MANAGEMENT.

3 (2) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC
4 ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS
5 OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE. A "YOUTH
6 ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR UNIVERSITY
7 ACTIVITIES.

8 **25-43-103. Organized school athletic activities - concussion**
9 **guidelines required.** (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL,
10 JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH
11 WITH PRIMARY SUPERVISORY RESPONSIBILITY FOR A YOUTH ATHLETIC
12 ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO COMPLETE AN
13 ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

14 (b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY SHALL
15 REQUIRE EACH COACH WITH PRIMARY RESPONSIBILITY FOR A YOUTH
16 ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION
17 EDUCATION COURSE.

18 (2) (a) THE CONCUSSION RECOGNITION EDUCATION COURSE
19 REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE
20 FOLLOWING:

21 (I) INFORMATION ON HOW TO RECOGNIZE THE SIGNS AND
22 SYMPTOMS OF A CONCUSSION;

23 (II) THE MEANS OF OBTAINING PROPER MEDICAL ATTENTION FOR
24 A PERSON SUSPECTED OF HAVING A CONCUSSION; AND

25 (III) INFORMATION ON THE NATURE AND RISK OF CONCUSSIONS,
26 INCLUDING THE DANGER OF CONTINUING TO PLAY AFTER SUSTAINING A
27 CONCUSSION AND THE PROPER METHOD OF ALLOWING A YOUTH ATHLETE

1 WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

2 (b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR
3 SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION
4 COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1)
5 OF THIS SECTION.

6 (3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION
7 RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION
8 SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION
9 FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN
10 A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY
11 REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

12 (4) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO
13 SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT
14 BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE
15 COACH SHALL NOT PERMIT THE YOUTH ATHLETE TO RETURN TO PLAY OR
16 PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES INVOLVING PHYSICAL
17 EXERTION, INCLUDING GAMES, COMPETITIONS, OR PRACTICES, UNTIL HE OR
18 SHE IS EVALUATED BY A HEALTH CARE PROVIDER AND RECEIVES WRITTEN
19 CLEARANCE TO RETURN TO PLAY FROM THE HEALTH CARE PROVIDER. THE
20 HEALTH CARE PROVIDER EVALUATING A YOUTH ATHLETE SUSPECTED OF
21 HAVING A CONCUSSION OR BRAIN INJURY MAY BE A VOLUNTEER.

22 (5) INDIVIDUALS WITHOUT SOLE SUPERVISORY RESPONSIBILITY OR
23 PRIMARY RESPONSIBILITY WHO VOLUNTEER FOR YOUTH ATHLETIC
24 ACTIVITIES ARE ENCOURAGED TO COMPLETE THE CONCUSSION EDUCATION
25 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

26 (6) (a) A VOLUNTEER COACH SHALL NOT BE HELD LIABLE FOR ANY
27 CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE IN GOOD FAITH AS A

1 RESULT OF ANY ACT OR FAILURE TO ACT WHILE COACHING A YOUTH
2 ATHLETIC ACTIVITY UNLESS THE ACTS OR OMISSIONS WERE GROSSLY
3 NEGLIGENT OR WILFUL OR WANTON.

4 (b) A MEMBER OF THE BOARD OF DIRECTORS OR GOVERNING
5 BOARD OF A SCHOOL DISTRICT, PRIVATE CLUB, OR RECREATION FACILITY
6 SHALL NOT BE HELD LIABLE FOR ANY CIVIL DAMAGES THAT RESULT FROM
7 A SPORTS CONCUSSION FOR ACTS OR OMISSIONS MADE BY A COACH OR ANY
8 OTHER PERSON WHILE COACHING A YOUTH ATHLETIC ACTIVITY.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 shall take effect January 1, 2012; except that, if a referendum petition is
11 filed pursuant to section 1 (3) of article V of the state constitution against
12 this act or an item, section, or part of this act within the ninety-day period
13 after final adjournment of the general assembly, then the act, item,
14 section, or part shall not take effect unless approved by the people at the
15 general election to be held in November 2012 and shall take effect on
16 January 1, 2012, or on the date of the official declaration of the vote
17 thereon by the governor, whichever is later.