

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 10, 2011
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB11-040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **ARTICLE 43**

6 **Required Head Trauma Guidelines**

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

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

11 (1) "HEALTH CARE PROVIDER" MEANS A DOCTOR OF MEDICINE,
12 DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER,
13 LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY
14 WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND
15 MANAGEMENT.

16 (2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION
17 FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL
18 SUBDIVISION THEREOF.

19 (3) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC
20 ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS
21 OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE
22 ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST
23 ANOTHER TEAM, CLUB, OR ENTITY OR IN PRACTICE OR PREPARATION FOR

1 AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR
2 ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR
3 UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE
4 AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY,
5 AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM,
6 OR A LESSON.

7 **25-43-103. Organized school athletic activities - concussion**
8 **guidelines required.** (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL,
9 JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF
10 A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO
11 COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

12 (b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND
13 EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES
14 SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC
15 ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE
16 DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO
17 COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL
18 CONCUSSION RECOGNITION EDUCATION COURSE.

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

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

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

26 (III) INFORMATION ON THE NATURE AND RISK OF CONCUSSIONS,
27 INCLUDING THE DANGER OF CONTINUING TO PLAY AFTER SUSTAINING A
28 CONCUSSION AND THE PROPER METHOD OF ALLOWING A YOUTH ATHLETE
29 WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

30 (b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR
31 SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION
32 COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1)
33 OF THIS SECTION.

34 (3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION
35 RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION
36 SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION
37 FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN
38 A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY
39 REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

40 (4) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO
41 SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT

1 BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE
2 SCHOOL COACH OR PRIVATE OR PUBLIC RECREATIONAL FACILITY'S
3 DESIGNATED PERSONNEL SHALL NOT PERMIT THE YOUTH ATHLETE TO
4 RETURN TO PLAY OR PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES
5 INVOLVING PHYSICAL EXERTION, INCLUDING GAMES, COMPETITIONS, OR
6 PRACTICES, UNTIL HE OR SHE IS EVALUATED BY A HEALTH CARE PROVIDER
7 AND RECEIVES WRITTEN CLEARANCE TO RETURN TO PLAY FROM THE
8 HEALTH CARE PROVIDER. THE HEALTH CARE PROVIDER EVALUATING A
9 YOUTH ATHLETE SUSPECTED OF HAVING A CONCUSSION OR BRAIN INJURY
10 MAY BE A VOLUNTEER.

11 (5) NOTHING IN THIS ARTICLE ABROGATES OR LIMITS THE
12 PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES
13 PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
14 ARTICLE 10 OF TITLE 24, C.R.S.; VOLUNTEERS AND BOARD MEMBERS
15 PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR SKI AREA
16 OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113, C.R.S.

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

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