

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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
Health and Environment

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.

HOUSE
Am ended 2nd Reading
March 11, 2011

SENATE
3rd Reading Unam ended
February 22, 2011

SENATE
Am ended 2nd Reading
February 21, 2011

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 DOCTOR OF MEDICINE,**
11 **DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER,**
12 **LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY**

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

3 (2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION
4 FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL
5 SUBDIVISION THEREOF.

6 (3) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC
7 ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS
8 OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE
9 ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST
10 ANOTHER TEAM, CLUB, OR ENTITY OR IN PRACTICE OR PREPARATION FOR
11 AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR
12 ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR
13 UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE
14 AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY,
15 AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM,
16 OR A LESSON.

17 **25-43-103. Organized school athletic activities - concussion**
18 **guidelines required.** (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL,
19 JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF
20 A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO
21 COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

22 (b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND
23 EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES
24 SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC
25 ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE
26 DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO
27 COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL

1 CONCUSSION RECOGNITION EDUCATION COURSE.

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

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

7 (II) THE NECESSITY OF OBTAINING PROPER MEDICAL ATTENTION
8 FOR A PERSON SUSPECTED OF HAVING A CONCUSSION; AND

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

13 (b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR
14 SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION
15 COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1)
16 OF THIS SECTION.

17 (3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION
18 RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION
19 SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION
20 FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN
21 A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY
22 REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

23 (4) (a) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT
24 TO SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS
25 CANNOT BE READILY EXPLAINED BY A CONDITION OTHER THAN
26 CONCUSSION, THE SCHOOL COACH OR PRIVATE OR PUBLIC RECREATIONAL
27 FACILITY'S DESIGNATED PERSONNEL SHALL NOTIFY THE ATHLETE'S PARENT

1 OR LEGAL GUARDIAN AND SHALL NOT PERMIT THE YOUTH ATHLETE TO
2 RETURN TO PLAY OR PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES
3 INVOLVING PHYSICAL EXERTION, INCLUDING GAMES, COMPETITIONS, OR
4 PRACTICES, UNTIL HE OR SHE IS EVALUATED BY A HEALTH CARE PROVIDER
5 AND RECEIVES WRITTEN CLEARANCE TO RETURN TO PLAY FROM THE
6 HEALTH CARE PROVIDER. THE HEALTH CARE PROVIDER EVALUATING A
7 YOUTH ATHLETE SUSPECTED OF HAVING A CONCUSSION OR BRAIN INJURY
8 MAY BE A VOLUNTEER.

9 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
10 THIS SUBSECTION (4), A DOCTOR OF CHIROPRACTIC WITH TRAINING AND
11 SPECIALIZATION IN CONCUSSION EVALUATION AND MANAGEMENT MAY
12 EVALUATE AND PROVIDE CLEARANCE TO RETURN TO PLAY FOR AN
13 ATHLETE WHO IS PART OF THE UNITED STATES OLYMPIC TRAINING
14 PROGRAM.

15 (c) AFTER A CONCUSSED ATHLETE HAS BEEN EVALUATED AND
16 RECEIVED CLEARANCE TO RETURN TO PLAY FROM A HEALTH CARE
17 PROVIDER, AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR
18 SCHOOL DISTRICT IS A MEMBER, A PRIVATE OR PUBLIC SCHOOL, A PRIVATE
19 CLUB, A PUBLIC RECREATION FACILITY, OR AN ATHLETIC LEAGUE MAY
20 ALLOW A REGISTERED ATHLETIC TRAINER WITH SPECIFIC KNOWLEDGE OF
21 THE ATHLETE'S CONDITION TO MANAGE THE ATHLETE'S GRADUATED
22 RETURN TO PLAY.

23 (5) NOTHING IN THIS ARTICLE ABROGATES OR LIMITS THE
24 PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES
25 PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
26 ARTICLE 10 OF TITLE 24, C.R.S.; VOLUNTEERS AND BOARD MEMBERS
27 PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR SKI AREA

1 OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113, C.R.S.
2 **SECTION 2. Act subject to petition - effective date.** This act
3 shall take effect January 1, 2012; except that, if a referendum petition is
4 filed pursuant to section 1 (3) of article V of the state constitution against
5 this act or an item, section, or part of this act within the ninety-day period
6 after final adjournment of the general assembly, then the act, item,
7 section, or part shall not take effect unless approved by the people at the
8 general election to be held in November 2012 and shall take effect on
9 January 1, 2012, or on the date of the official declaration of the vote
10 thereon by the governor, whichever is later.