SENATE BILL 11-040

A BILL FOR AN ACT

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

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

SECTION 1. Title 25, Colorado Revised Statutes, is amended by the addition of a new article to read:

ARTICLE 43

Required Head Trauma Guidelines

25-43-101. Short title. This article shall be known and may be cited as the "Jake Snakenberg Youth Concussion Act".

25-43-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Health care provider" means a licensed physician, licensed doctor of osteopathic medicine, licensed nurse practitioner, licensed physician assistant, or licensed doctor of
PSYCHOLOGY WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND MANAGEMENT.

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

25-43-103. Organized school athletic activities - concussion guidelines required. (1) (a) Each public and private middle school, junior high school, and high school shall require each coach with primary supervisory responsibility for a youth athletic activity that involves interscholastic play to complete an annual concussion recognition education course.

(b) Each private club or public recreation facility shall require each coach with primary responsibility for a youth athletic activity to complete an annual concussion recognition education course.

(2) (a) The concussion recognition education course required by subsection (1) of this section shall include the following:

(I) Information on how to recognize the signs and symptoms of a concussion;

(II) The means of obtaining proper medical attention for a person suspected of having a concussion; and

(III) Information on the nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method of allowing a youth athlete
WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

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

(3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION 
RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION 
suspects that a youth athlete has sustained a concussion 
following an observed or suspected blow to the head or body in 
a game, competition, or practice, the coach shall immediately 
remove the athlete from the game, competition, or practice.

(4) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO 
SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT 
BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE 
COACH SHALL NOT PERMIT THE YOUTH ATHLETE TO RETURN TO PLAY OR 
PARTicipate in any supervised team activities involving physical 
exertion, including games, competitions, or practices, until he or 
she is evaluated by a health care provider and receives written 
clearance to return to play from the health care provider. The 
health care provider evaluating a youth athlete suspected of 
having a concussion or brain injury may be a volunteer.

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

(6)(a) A VOLUNTEER COACH SHALL NOT BE HELD LIABLE FOR ANY 
civil damages for acts or omissions made in good faith as a
RESULT OF ANY ACT OR FAILURE TO ACT WHILE COACHING A YOUTH ATHLETIC ACTIVITY UNLESS THE ACTS OR OMISSIONS WERE GROSSLY NEGLIGENT OR WILFUL OR WANTON.

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

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