



**Testimony on behalf of  
The Connecticut Recreation and Parks Association, Inc.  
Before the Committee on Children  
February 17, 2015**

**Raised Bill 6722 – An Act Concerning Concussions in Youth Athletics**

Good afternoon my name is Elizabeth Mayne, I am the program coordinator for the Cheshire Parks and Recreation Department, I am a mother of four children all under the age of nine and I am Senator Bartolomeo's appointee to the Task Force on Youth Athletics and Concussions. I am here today representing the Connecticut Recreation and Parks Association, regarding Raised Bill 6722 - An Act Concerning Concussions in Youth Athletics and subsequent versions that have been disseminated to task force members.

The Connecticut Recreation and Parks Association, Inc. (CRPA) is a nonprofit charitable organization whose mission is to provide a network of support to our members through professional development and resources in order to enhance the quality of recreation and parks services in Connecticut. CRPA represents over 600 individual professionals from municipal, nonprofit and private, park, recreation & camp organizations, as well as 125 of the 169 municipal park and recreation departments in Connecticut.

For more than 65 years ensuring that children have the greatest opportunity to safely participate in physical activity has been central to CRPA's mission. Consequently, CRPA supports efforts to raise awareness and educate parents, guardians, and participants in youth athletics on the dangers of concussions. CRPA is more than willing to provide information to those directly participating in park and recreation run programs. However, we cannot oversee or ensure compliance of independent leagues that simply utilize municipal fields and facilities.

**Therefore, CRPA reluctantly cannot support Raised Bill 6722 as drafted.**

CRPA has several concerns with Section 2 of Raised Bill 6722:

1. **The definition of "youth athletic activity" is overly broad.** For example, it would include 18 year olds that have graduated from high school and play in adult or college clubs or leagues, open gym night where pickup games occur, camps where kids are playing sports for fun but against each other, and would impact travel leagues where children come from out of state to play CT leagues on or in our facilities.
2. **The definition of "operator" creates an unenforceable mandate upon park and recreation departments.** It would require them to ensure that independent leagues educate their coaches, disseminate information to parents, guardians, and participants and follow removal and return to play procedures for each league (including each practice and game) that utilizes their municipal fields or facilities. **The definition of "operator" cannot include "coordinates, organizes or otherwise oversees any youth athletic activity".** Municipal park and recreation departments have no authority over independent leagues' coaches and have no contact with parents or participants that participate in these leagues, but they do schedule independent leagues field/facility usage and therefore may

“coordinate and organize” for them under the bill’s definition. This creates an unenforceable mandate for park and recreation departments and consequently a severe liability issue, which will cause municipalities to not allow such leagues to use their fields or facilities.

3. The bill mandates that a written statement be provided to all parents, guardians, and participants regarding concussions. **CRPA asks that language is added to include written or electronic means.** This would help departments or leagues that utilize online registration to comply.
4. The bill mandates that the written statement include: “(1) *The recognition of signs or symptoms of a concussion, (2) the means of obtaining proper medical treatment for a person suspected of sustaining a concussion, (3) the nature and risks of concussions, including the danger of continuing to engage in youth athletic activity after sustaining a concussion, and (4) the proper procedures for allowing a youth athlete who has sustained a concussion to return to athletic activity*” this information is medical in nature and **should be a standard statement developed and approved by the state to be used by all entities across the state.**
5. **The bill lacks liability immunity for volunteer coaches and referees.** CRPA must have a simple immunity provision for the volunteers, coaches and referees included in the bill. Volunteers are not covered under municipal insurance and the state only mandates that a municipal insurance policy cover officers, elected officials, and employees. Volunteers must have an exemption from simple liability. Several other states have a liability exemption clause in their statutes and Connecticut should as well. We suggest that the bill be amended to include the following immunity provision:

*“Any athletic coach, official involved in an athletic activity, or volunteer who fails to remove a person from a youth athletic activity under this act, is immune from civil liability for any injury resulting from that omission unless it constitutes gross negligence or willful or wanton misconduct. Any volunteer who authorizes a person to participate in a youth athletic activity under this act is immune from civil liability for any injury resulting from that act unless the act constitutes gross negligence or willful or wanton misconduct. This section does not create any liability for, or a cause of action against any person.” (2011 Wisconsin Act 172.)*

This will help us to ensure that quality volunteers are not scared to donate their time for fear of a lawsuit if they make an incorrect sideline determination. The task force was told that not every child presents symptoms right away and if a coach allows a child to remain in play because they do not exhibit symptoms until the next day they could be held personally liable. Is that fair?

CRPA commends the committee for their efforts to ensure the safety of all of Connecticut’s children, **but CRPA cannot support Raised Bill 6722 as it is currently written and cannot support subsequent versions that were given to task force members for these reasons.**

CRPA has worked very hard over the last several decades to increase access to recreation as a means to combat obesity and give children a healthy alternative for the use of their time. We cannot support legislation that is counterproductive to these initiatives. Our organization stands ready to work with the Children’s Committee to draft legislation that can be reasonably administered on a daily basis.

Thank you for your time and I would be happy to answer any of your questions.

Elizabeth Mayne  
Member, CRPA Legislative Committee  
Member, Task Force on Youth Athletics and Concussions