



House of Representatives

General Assembly

File No. 20

February Session, 2016

House Bill No. 5141

House of Representatives, March 10, 2016

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING CONCUSSIONS AND YOUTH ATHLETIC ACTIVITIES CONDUCTED ON PUBLIC ATHLETIC FIELDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-432 of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2016*):

4 (a) For purposes of this section:

5 (1) "Youth athletic activity" means an organized athletic activity
6 involving participants of not less than [seven] five years of age and not
7 more than nineteen years of age, who (A) (i) engage in an organized
8 athletic game or competition against another team, club or entity or in
9 practice or preparation for an organized game or competition against
10 another team, club or entity, or (ii) attend an organized athletic camp
11 or clinic the purpose of which is to train, instruct or prepare such
12 participants to engage in an organized athletic game or competition,
13 and (B) (i) pay a fee to participate in such organized athletic game or

14 competition or attend such camp or clinic, or (ii) whose cost to
15 participate in such athletic game or competition or attend such camp
16 or clinic is sponsored by a municipality, business or nonprofit
17 organization. "Youth athletic activity" does not include any college or
18 university athletic activity, or an athletic activity that is incidental to a
19 nonathletic program or lesson; [and]

20 (2) "Operator" means any municipality, business or nonprofit
21 organization that conducts, coordinates, organizes or otherwise
22 oversees any youth athletic activity but shall not include any
23 municipality, business or nonprofit organization solely providing
24 access to, or use of, any field, court or other recreational area, whether
25 for compensation or not; [.] and

26 (3) "Public athletic field" means any state-operated or municipally-
27 operated field or open space used for sporting or sporting-related
28 activities.

29 (b) Not later than January 1, 2016, and annually thereafter, each
30 operator of a youth athletic activity shall make available a written or
31 electronic statement regarding concussions to each youth athlete and a
32 parent or legal guardian of each youth athlete participating in the
33 youth athletic activity. Such written or electronic statement shall be
34 made available upon registration of each youth athlete and shall be
35 consistent with the most recent information provided by the National
36 Centers for Disease Control and Prevention regarding concussions.
37 Such written or electronic statement shall include educational content
38 addressing, at a minimum: (1) The recognition of signs or symptoms of
39 a concussion, (2) the means of obtaining proper medical treatment for a
40 person suspected of sustaining a concussion, (3) the nature and risks of
41 concussions, including the danger of continuing to engage in youth
42 athletic activity after sustaining a concussion, and (4) the proper
43 procedures for allowing a youth athlete who has sustained a
44 concussion to return to athletic activity.

45 (c) On and after January 1, 2017, no operator shall conduct any
46 youth athletic activity on a public athletic field unless (1) within the

47 previous twenty-four months, each coach of such youth athletic
48 activity has completed (A) a training course regarding concussions
49 developed or approved pursuant to subdivision (1) of subsection (b) of
50 section 10-149b, as amended by this act, or (B) a refresher course
51 regarding concussions, developed or approved pursuant to
52 subdivision (3) of subsection (b) of section 10-149b, as amended by this
53 act; (2) a parent or legal guardian of each child participating in such
54 youth athletic activity (A) has read written materials, (B) viewed online
55 training or videos, or (C) attended in-person training regarding the
56 concussion education plan developed or approved pursuant to
57 subsection (c) of section 10-149b, as amended by this act; and (3) such
58 operator has (A) distributed to a parent or legal guardian of each child
59 participating in such youth athletic activity an informed consent form
60 that is substantially similar to the informed consent form developed or
61 approved pursuant to subsection (e) of section 10-149b, as amended by
62 this act, and (B) obtained such parent's or legal guardian's signature,
63 attesting to the fact that such parent or legal guardian (i) has received a
64 copy of such informed consent form, and (ii) authorizes the child to
65 participate in the youth athletic activity.

66 [(c)] (d) No operator, or designee of such operator, nor the state or
67 any municipality operating a public athletic field, shall be subject to
68 civil liability for failing to (1) make available the written or electronic
69 statement regarding concussions pursuant to subsection (b) of this
70 section, or (2) distribute or obtain the informed consent form pursuant
71 to subdivision (3) of subsection (c) of this section.

72 Sec. 2. Section 10-149b of the 2016 supplement to the general statutes
73 is repealed and the following is substituted in lieu thereof (*Effective*
74 *October 1, 2016*):

75 (a) (1) For the school year commencing July 1, 2010, and each school
76 year thereafter, any person who holds or is issued a coaching permit
77 by the State Board of Education and is a coach of intramural or
78 interscholastic athletics shall complete an initial training course
79 regarding concussions, developed or approved pursuant to

80 subdivision (1) of subsection (b) of this section, prior to commencing
81 the coaching assignment for the season of such school athletics.

82 (2) For the school year commencing July 1, 2014, and each school
83 year thereafter, any coach who has completed the initial training
84 course described in subdivision (1) of this subsection shall annually
85 review current and relevant information regarding concussions,
86 prepared or approved pursuant to subdivision (2) of subsection (b) of
87 this section, prior to commencing the coaching assignment for the
88 season of such school athletics. Such annual review shall not be
89 required in any year when such coach is required to complete the
90 refresher course, pursuant to subdivision (3) of this subsection, for
91 reissuance of his or her coaching permit.

92 (3) For the school year commencing July 1, 2015, and each school
93 year thereafter, a coach shall complete a refresher course, developed or
94 approved pursuant to subdivision (3) of subsection (b) of this section,
95 not later than [five] two years after completion of the initial training
96 course, as a condition of the reissuance of a coaching permit to such
97 coach. Such coach shall thereafter retake such refresher course at least
98 once every [five] two years as a condition of the reissuance of a
99 coaching permit to such coach.

100 (b) (1) The State Board of Education, in consultation with (A) the
101 Commissioner of Public Health, (B) the governing authority for
102 intramural and interscholastic athletics, (C) an appropriate
103 organization representing licensed athletic trainers, and (D) an
104 organization representing county medical associations, shall develop
105 or approve a training course regarding concussions. Such training
106 course shall include, but not be limited to, information regarding (i)
107 the recognition of the symptoms of a concussion, (ii) the means of
108 obtaining proper medical treatment for a person suspected of having a
109 concussion, and (iii) the nature and risk of concussions, including the
110 danger of continuing to engage in athletic activity after sustaining a
111 concussion and the proper method of allowing a student athlete who
112 has sustained a concussion to return to athletic activity.

113 (2) On or before October 1, 2014, and annually thereafter, the State
114 Board of Education, in consultation with the Commissioner of Public
115 Health and the organizations described in subparagraphs (B) to (D),
116 inclusive, of subdivision (1) of this subsection, shall develop or
117 approve annual review materials regarding current and relevant
118 information about concussions.

119 (3) The State Board of Education, in consultation with the
120 Commissioner of Public Health and the organizations described in
121 subparagraphs (B) to (D), inclusive, of subdivision (1) of this
122 subsection, shall develop or approve a refresher course regarding
123 concussions. Such refresher course shall include, but not be limited to,
124 (A) an overview of key recognition and safety practices, (B) an update
125 on medical developments and current best practices in the field of
126 concussion research, prevention and treatment, (C) an update on new
127 relevant federal, state and local laws and regulations, and (D) for
128 football coaches, current best practices regarding coaching the sport of
129 football, including, but not limited to, frequency of games and full
130 contact practices and scrimmages as identified by the governing
131 authority for intramural and interscholastic athletics.

132 (c) On or before January 1, 2015, the State Board of Education, in
133 consultation with the Commissioner of Public Health and the
134 organizations described in subparagraphs (B) to (D), inclusive, of
135 subdivision (1) of subsection (b) of this section, shall develop or
136 approve a concussion education plan for use by local and regional
137 boards of education and operators of youth athletic activities, as
138 defined in section 21a-432, as amended by this act. Each local and
139 regional board of education shall implement such plan by utilizing
140 written materials, online training or videos or in-person training that
141 shall address, at a minimum: (1) The recognition of signs or symptoms
142 of concussion, (2) the means of obtaining proper medical treatment for
143 a person suspected of sustaining a concussion, (3) the nature and risks
144 of concussions, including the danger of continuing to engage in
145 athletic activity after sustaining a concussion, (4) the proper
146 procedures for allowing a student athlete who has sustained a

147 concussion to return to athletic activity, and (5) current best practices
148 in the prevention and treatment of a concussion.

149 (d) For the school year commencing July 1, 2015, and each school
150 year thereafter, each local and regional board of education shall
151 prohibit a student athlete from participating in any intramural or
152 interscholastic athletic activity unless the student athlete, and a parent
153 or guardian of such student athlete, (1) reads written materials, (2)
154 views online training or videos, or (3) attends in-person training
155 regarding the concussion education plan developed or approved
156 pursuant to subsection (c) of this section.

157 (e) (1) On or before July 1, 2015, the State Board of Education, in
158 consultation with the Commissioner of Public Health and the
159 organizations described in subparagraphs (B) to (D), inclusive, of
160 subdivision (1) of subsection (b) of this section, shall develop or
161 approve an informed consent form to distribute to the parents and
162 legal guardians of student athletes involved in intramural or
163 interscholastic athletic activities regarding concussions. Such informed
164 consent form shall include, at a minimum, (A) a summary of the
165 concussion education plan developed or approved pursuant to
166 subsection (c) of this section, and (B) a summary of the applicable local
167 or regional board of education's policies regarding concussions.

168 (2) For the school year commencing July 1, 2015, and each school
169 year thereafter, each school shall provide each participating student
170 athlete's parent or legal guardian with a copy of the informed consent
171 form developed or approved pursuant to subdivision (1) of this
172 subsection and obtain such parent's or legal guardian's signature,
173 attesting to the fact that such parent or legal guardian has received a
174 copy of such form and authorizes the student athlete to participate in
175 the athletic activity.

176 (f) The State Board of Education may revoke the coaching permit, in
177 accordance with the provisions of subsection (i) of section 10-145b, of
178 any coach found to be in violation of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	21a-432
Sec. 2	<i>October 1, 2016</i>	10-149b

KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Various Municipalities	STATE MANDATE - Potential Cost	Minimal	Minimal
Various Municipalities	Savings	Potential	Potential

Explanation

The bill could result in a potential cost to various municipalities, anticipated to be less than \$1,000, associated with broadening the definition of youth athletic activities, and including five and six-year-olds to the concussion statement requirement.

Depending on how a municipality chooses to handle the broadened requirement and additional concussion statements, will alter the potential costs incurred by those municipalities. Municipalities may incur costs as follows: 1) a municipality that provides such information electronically would not incur any costs; 2) a municipality that provides the information in person, upon registration would incur minimal printing costs; 3) a municipality that chooses to print and mail concussion-related information would likely incur costs of less than \$1,000.

The bill increases how frequently intramural and interscholastic athletic coaches must complete a concussion refresher course. It is not clear who would be responsible for paying for the training course. If individual coaches assumed the cost of the additional training, there

would be no additional cost to municipalities. However, if individual coaches did not assume the additional cost, there would be an increased cost to municipalities associated with the additional training, which could be incorporated into the annual professional development schedule for coaches. It is anticipated that incorporating head injury and concussion training into the annual professional development schedule would result in a minimal cost associated with the need to hire additional trainers at a cost of approximately \$75 - \$100 per hour.

The bill also precludes, in certain circumstances, operators and their designees, the state, and any municipality operating a public athletic field, immunity from civil liability. Municipalities that are currently liable in these situations may experience a savings to the extent that it reduces the number of lawsuits such municipalities are party to.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5141*****AN ACT CONCERNING CONCUSSIONS AND YOUTH ATHLETIC ACTIVITIES CONDUCTED ON PUBLIC ATHLETIC FIELDS.*****SUMMARY:**

By law, youth athletic activity operators must make available a written or electronic statement about concussions to each participant and his or her parent or guardian. This bill broadens the definition of youth athletic activities, which, under current law, includes certain organized athletic activities involving participants age seven to 19. The bill adds such activities involving five- and six-year-old participants and in doing so, extends the concussion statement requirement to operators of youth athletic activities involving these younger participants.

Starting January 1, 2017, the bill also prohibits operators from conducting youth athletic activities on a public athletic field (i.e., a state- or municipally-operated field or open space used for sporting or sporting related activities) unless:

1. within the prior 24 months, each activity coach completed a concussion training or refresher course developed by the State Board of Education (SBE);
2. a parent or legal guardian of each participant has read written material, viewed online training or videos, or attended in-person training on a concussion education plan developed or approved by SBE; and
3. the operator has (a) distributed to each participant's parent or legal guardian an informed consent form developed or approved by SBE and (b) obtained the parent's or guardian's

signature attesting that he or she received the form and authorizes the child to participate in the activity.

By law, an operator is a municipality, business, or nonprofit organization that conducts, coordinates, organizes, or otherwise oversees any youth athletic activity but does not include any municipality, business, or nonprofit organization that solely provides access to, or use of, any field, court, or other recreational area.

The bill also provides immunity from civil liability in certain circumstances to operators and their designees, the state, and any municipality operating a public athletic field.

Additionally, the bill increases how frequently intramural and interscholastic athletic coaches must complete a concussion refresher course, from within five years of completing the initial required training and every five years after that, to within two years of completing the initial training and biennially after that. By law, taking the refresher course is a condition of maintaining a coaching permit.

EFFECTIVE DATE: October 1, 2016

YOUTH ATHLETIC ACTIVITY

Current law defines “youth athletic activity” as an organized athletic activity involving participants between ages seven and 19 who:

1. engage in an organized athletic game or competition against another team, club, or entity or practice or prepare for an organized game or competition against another team, club, or entity; and
2. pay a fee to participate or participate for free and a municipality, business, or nonprofit organization sponsors their participation cost.

The bill broadens the definition to include such activities involving five and six-year-old participants.

Under the law and bill, such activities do not include any college or university athletic activity, or an athletic activity incidental to a nonathletic program or lesson.

IMMUNITY FROM CIVIL LIABILITY

Current law provides immunity to operators and their designees who fail to make available to youth athletes and parents or guardians a written or electronic statement about concussions. The bill expands this immunity to include immunity from civil liability if the operator fails to distribute or obtain the informed consent form required under the bill.

The bill also extends this immunity to the state and any municipality operating a public athletic field (some of these municipalities are already covered under the definition of operator).

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 7 Nay 4 (02/25/2016)