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Testimony

HB 5141: An Act Concerning Concussions and Youth Athletic Activities Conducted on Public Athletic Fields

Children's Committee

February 16, 2016

Good morning, Senator Bartolomeo, Representative Urban, Senator Martin, Representative Kokoruda, and distinguished members of the Children's Committee. Thank you for this opportunity to deliver testimony on HB 5141, An Act Concerning Concussions and Youth Athletic Activities Conducted on Public Athletic Fields.

This bill requires that the protocols followed for youth athletic activities held on public athletic fields be substantially similar to those used for intramural and interscholastic athletic activities.

I strongly support the overall intent of the bill, which is to protect young people who participate in contact sports from the effects of head injuries by ensuring that those who supervise them are trained, educated, and informed. The issue of the harmful effects of concussions, particularly when children are involved, is gaining broad visibility on the national scale, and the safety of young people must be of paramount concern in this area.

I am particularly glad to see the measures detailed in the bill and those already covered by related existing statutes extended to children between 5 and 7 years old.

I do have concerns with the section of the bill that deals with civil liability immunity. It seems paradoxical to pass a law that simultaneously imposes requirements and absolves relevant parties from respecting them, and this makes enforcement difficult. At the same time, local organizations like YMCAs are generally not administratively equipped or structured to monitor or supervise the activities of volunteers and their communications with athletics participants and their families.

The notion of who is ultimately responsible for the safety of young athletes is complex, and critical. In your deliberations on this bill, I think the following questions may be worth considering:

- Is there a way to qualify the concept of immunity? In other words, should it be total? Is there a type of penalty to suggest that would not expose parties to a lawsuit and all that it entails, but would still provide an incentive for respecting the bill's requirements and facilitate enforcement?
- What does the word "designee" in line 66 of the bill mean? If an operator has designated a person or an organization as responsible for conducting a youth athletic activity, what sort of responsibilities should be incumbent upon this designee? Who should bear the ultimate responsibility for ensuring that training takes place, information is communicated, and receipt of information is verified? The answer may be the same, or different, regarding each of these functions.
- In determining responsibility or liability, should good faith efforts to respect the requirements imposed by the bill be considered?

I thank the Committee for its attention to this bill, and trust that it will carefully and thoughtfully consider all of the questions it raises, while, as always, keeping the safety of young people its highest priority.