

SENATE BILL No. 372

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-19-3-6.7; IC 20-34-7; IC 34-30-2.

Synopsis: Youth athletic concussions. Defines "athlete" for purposes of the education law concerning concussions and head injuries as a person less than 19 years of age who engages in an athletic activity. (Currently that law pertains only to student athletes.) Requires the state department of health to adopt guidelines for the protection of athletes from the effects of concussions incurred at athletic activities taking place on public property other than school property. Requires the department of education, before December 1, 2013, to develop guidelines for the protection of athletes from the effects of concussions incurred at athletic activities taking place on school property. Beginning April 1, 2014, requires coaches who coach at athletic activities taking place on school property to annually complete a course concerning concussions. Makes conforming changes.

Effective: July 1, 2013.

Holdman

January 8, 2013, read first time and referred to Committee on Health and Provider Services.



First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

SENATE BILL No. 372

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-19-3-6.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 6.7. (a) As used in this section, "athlete" has the**
4 **meaning set forth in IC 20-34-7-1.**

5 **(b) As used in this section, "athletic activity" has the meaning**
6 **set forth in IC 20-34-7-1.**

7 **(c) As used in this section, "coach" has the meaning set forth in**
8 **IC 20-34-7-1.**

9 **(d) As used in this section, "organizing entity" means any:**

10 **(1) parks and recreation department;**

11 **(2) municipal agency;**

12 **(3) nonprofit entity; or**

13 **(4) for-profit entity;**

14 **that organizes athletic activities.**

15 **(e) Not later than December 1, 2013, the state department shall**
16 **adopt guidelines concerning the protection of athletes from the**
17 **effects of concussions that might be incurred at athletic activities**



that are sponsored by an organizing entity and take place on public property other than school property, including property controlled by any:

- (1) parks and recreation department;
- (2) municipal agency;
- (3) nonprofit entity; or
- (4) for-profit entity;

that organizes or sponsors an athletic activity or permits use of the entity's facilities for an athletic activity.

(f) Beginning April 1, 2014, the state department shall require each head coach and assistant coach involved in athletic activities governed by this section to annually complete a course approved by the department of education under IC 20-34-7-6.

(g) The state department shall use the guidelines created by the department of education under IC 20-34-7-2 to carry out the provisions of this section.

SECTION 2. IC 20-34-7-1, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As used in this chapter, "association" has the meaning set forth in IC 20-26-14-1.

(b) As used in this chapter, "athlete" means a person who engages in athletic activity and who is less than nineteen (19) years of age.

(c) As used in this chapter, "athletic activity" means an organized athletic program or event involving physical exertion, including practice and competition.

(d) As used in this chapter, "coach" means any individual providing instruction to athletes participating in an athletic activity, whether the individual is a volunteer, independent contractor, or employee.

(e) As used in this chapter, "organizing entity" means any school that organizes or sponsors an athletic activity or permits use of the entity's facilities for an athletic activity.

SECTION 3. IC 20-34-7-2, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Before July 1, 2012, December 1, 2013, the department shall ~~disseminate~~ **publish, for dissemination to each school corporation and make available to all other organizing entities,** guidelines, information sheets, and forms ~~to each school corporation for distribution to a school to inform and educate coaches, student athletes, and parents of student athletes of the nature and risk of concussion and head injury to student athletes, including the risks of~~



continuing to play after concussion or head injury.

(b) The department:

(1) may consult with the association, medical professionals, and others with expertise in diagnosing and treating concussions and head injuries; and

(2) may request the assistance of the association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The department may disseminate **and otherwise make available** the materials required under this section in an electronic format.

SECTION 4. IC 20-34-7-3, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **Each Beginning April 1, 2014, each** year, before beginning practice for an ~~interscholastic or intramural sport, a~~ **athletic activity, an high school student** athlete and the ~~student~~ athlete's parent:

(1) must be given the information sheet and form described in section 2 of this chapter; and

(2) shall sign and return the form acknowledging the receipt of the information to the ~~student athlete's coach.~~ **organizing entity.**

The ~~coach~~ **organizing entity** shall maintain a file of the completed forms.

SECTION 5. IC 20-34-7-4, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. ~~A high school student~~ **An** athlete who is suspected of sustaining a concussion or head injury: ~~in a practice or game:~~

(1) shall be removed from play at the time of the injury; and

(2) may not return to play until the ~~student~~ athlete has received a written clearance under section 5(a) of this chapter.

SECTION 6. IC 20-34-7-5, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) ~~A high school student~~ **An** athlete who has been removed from play under section 4 of this chapter may not return to play until the ~~student~~ athlete:

(1) is evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries; and

(2) receives a written clearance to return to play from the health care provider who evaluated the ~~student~~ athlete.

(b) A licensed health care provider who evaluates ~~a student~~ **an** athlete under subsection (a) may conduct the evaluation as a volunteer. A volunteer health care provider who in good faith and gratuitously



authorizes a ~~student~~ **an** athlete to return to play is not liable for civil damages resulting from an act or omission in the rendering of an evaluation, except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

SECTION 7. IC 20-34-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) Beginning April 1, 2014, each year, prior to coaching an athletic activity for athletes, each head coach and assistant coach shall complete a certified coaching education course that:**

- (1) is sport-specific;**
- (2) is accredited by an independent third party;**
- (3) contains player safety content, including content on:**
 - (A) concussion awareness;**
 - (B) equipment fitting;**
 - (C) heat emergency preparedness; and**
 - (D) proper technique;**
- (4) requires coaches to complete a test demonstrating comprehension of the content of the course; and**
- (5) awards a certificate of completion to coaches who successfully complete the course.**

A copy of a certificate of completion awarded to a coach under subdivision (5) must be forwarded to the department.

(b) For a coach's completion of a course to satisfy the requirement imposed by subsection (a), the course must have been approved by the department.

(c) An organizing entity shall maintain a file of certificates of completion awarded under subsection (a)(5) to head coaches and assistant coaches of teams that primarily use the organizing entity's facilities for their athletic activities.

(d) A volunteer coach who complies with subsection (a) and provides coaching services in good faith is not liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the volunteer coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 8. IC 34-30-2-85.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 85.6. IC 20-34-7-6 (Concerning volunteer coaches).**

SECTION 9. IC 34-30-2-85.7, AS ADDED BY P.L.144-2011,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 85.7. IC 20-34-7-5 (Concerning a licensed health
3 care provider who provides voluntary evaluations of concussions and
4 head injuries for ~~student~~ athletes).

