



January 28, 2021

HOUSE BILL No. 1040

DIGEST OF HB 1040 (Updated January 27, 2021 5:09 pm - DI 116)

Citations Affected: IC 20-28; IC 20-34; IC 34-30.

Synopsis: Sudden cardiac arrest of students. Provides that sudden cardiac arrest information sheets currently required to be provided by each school corporation, charter school, or state accredited nonpublic school to a parent of an applicable student must include: (1) the nature and warning signs of sudden cardiac arrest; and (2) information about electrocardiogram testing. Adds definition of "applicable student". Makes changes to the definition of "athletic activity". Provides that the department of education (department) must maintain guidelines, information sheets, or forms on the department's Internet web site. Provides that, if an applicable student is suspected, as determined by a game official, coach from the student athlete's team, certified athletic trainer, marching band leader, physician assistant, advanced practice registered nurse, licensed physician, or other official designated by the student athlete's school entity, of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity, the applicable student shall be removed from practice or play at the time that the symptom is identified. (Current law provides that, if a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity, the student athlete shall be removed from practice or play at the time that the symptom is identified.) Allows a licensed athletic trainer, physician assistant, or advanced practice registered nurse to evaluate whether an applicable student is experiencing a symptom of sudden cardiac arrest. Requires that an applicable student may not
(Continued next page)

Effective: July 1, 2021.

Pressel, Hatfield, Cook

January 4, 2021, read first time and referred to Committee on Education.
January 28, 2021, amended, reported — Do Pass.

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Digest Continued

return to practice or play until the coach, marching band leader, or other official designated by the applicable student's school entity has: (1) provided information to the applicable student's parent about sudden cardiac arrest; and (2) received verbal permission from a parent of the applicable student that the applicable student may return to practice and play. Requires a coach, marching band leader, or certain other leaders, in a manner and frequency determined by the state board of education, to complete the sudden cardiac arrest training course offered by a provider approved by the department. Provides that a coach, marching band leader, and certain other extracurricular activity leader who completes the course and provides coaching or other leadership services in good faith is not personally liable for damages in a civil action as a result of a sudden cardiac arrest incurred by an applicable student participating in an athletic activity for which the coach, marching band leader, or other leader provided coaching or leadership services, except for an act or omission by the coach, marching band leader, or other extracurricular activity leader that constitutes gross negligence or willful or wanton misconduct. Makes technical corrections (a legal guardian is included in the definition of a parent in IC 20).



January 28, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1040

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

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

1 SECTION 1. IC 20-28-5.5-1, AS AMENDED BY THE
2 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL
3 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 1. (a) The state board shall determine the timing,
5 frequency, whether training requirements can be combined or merged,
6 and the method of training, including whether the training should be
7 required for purposes of obtaining or renewing a license under
8 IC 20-28-5, or, in consultation with teacher preparation programs (as
9 defined in IC 20-28-3-1(b)), as part of the completion requirements for
10 a teacher preparation program for training required under the following
11 sections:
12 IC 20-26-5-34.2.
13 IC 20-28-3-4.5.
14 IC 20-28-3-6.
15 IC 20-28-3-7.

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1 IC 20-34-7-6.

2 IC 20-34-7-7.

3 **IC 20-34-8-9.**

4 However, nothing in this subsection shall be construed to authorize the
5 state board to suspend or otherwise eliminate training requirements
6 described in this subsection.

7 (b) In addition to the training described in subsection (a), the
8 department shall, in a manner prescribed by the state board:

9 (1) ensure a teacher has training in:

10 (A) cardiopulmonary resuscitation that includes a test
11 demonstration on a mannequin;

12 (B) removing a foreign body causing an obstruction in an
13 airway;

14 (C) the Heimlich maneuver; and

15 (D) the use of an automated external defibrillator;

16 (2) ensure a teacher holds a valid certification in each of the
17 procedures described in subdivision (1) issued by:

18 (A) the American Red Cross;

19 (B) the American Heart Association; or

20 (C) a comparable organization or institution approved by the
21 state board; or

22 (3) determine if a teacher has physical limitations that make it
23 impracticable to complete a course or certification described in
24 subdivision (1) or (2).

25 The state board shall determine the timing, frequency, whether training
26 requirements can be combined or merged, and the method of training
27 or certification, including whether the training or certification should
28 be required for purposes of obtaining or renewing a license under
29 IC 20-28-5, or, in consultation with teacher preparation programs (as
30 defined in IC 20-28-3-1(b)), as part of the completion requirements for
31 a teacher preparation program. However, the frequency of the training
32 may not be more frequent and the method of training may not be more
33 stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as
34 in effect on January 1, 2020. Nothing in this subsection shall be
35 construed to authorize the state board to suspend or otherwise eliminate
36 training requirements described in this subsection.

37 (c) The state board may recommend to the general assembly, in a
38 report in an electronic format under IC 5-14-6, to eliminate training
39 requirements described in subsection (a) or (b).

40 (d) In determining the training requirements for a school
41 corporation, charter school, or **state** accredited nonpublic school for
42 training required under:



1 (1) IC 20-26-5-34.2;
 2 (2) IC 20-28-3-4.5;
 3 (3) IC 20-28-3-6; or
 4 (4) IC 20-28-3-7;
 5 the state board may consider whether a particular teacher received the
 6 training described in this subsection as part of the teacher's licensing
 7 requirements or at a teacher preparation program when determining
 8 whether the particular teacher is required to receive the training by the
 9 school corporation, charter school, or **state** accredited nonpublic
 10 school.

11 SECTION 2. IC 20-34-8-0.5 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2021]: **Sec. 0.5. As used in this chapter, "applicable student"**
 14 **means a student who competes in an athletic activity.**

15 SECTION 3. IC 20-34-8-2, AS AMENDED BY P.L.127-2016,
 16 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 2. As used in this chapter, "athletic activity"
 18 includes the following:

- 19 (1) An athletic contest or competition conducted between or
 20 among schools.
 21 (2) Competitive and noncompetitive cheerleading that is
 22 sponsored by or associated with a school.
 23 **(3) Marching band.**
 24 **(4) Other extracurricular competitive or noncompetitive**
 25 **activities in which students have an increased risk of sudden**
 26 **cardiac arrest as determined by the department in**
 27 **consultation with an organization that specializes in**
 28 **preventing sudden cardiac arrest.**

29 SECTION 4. IC 20-34-8-4, AS ADDED BY P.L.139-2014,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 4. This chapter does not require information to be
 32 provided to or consent to be received from the parent or ~~legal guardian~~
 33 of a **an applicable** student ~~athlete~~ if the **applicable** student ~~athlete~~ is:

- 34 (1) at least eighteen (18) years of age; or
 35 (2) an emancipated minor.

36 SECTION 5. IC 20-34-8-5, AS AMENDED BY P.L.92-2020,
 37 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 5. (a) The department shall disseminate
 39 guidelines, information sheets, and forms to each state accredited
 40 nonpublic school, charter school, and each school corporation for
 41 distribution to schools to inform and educate coaches, ~~student athletes,~~
 42 **marching band leaders, applicable students,** and parents and ~~legal~~



1 guardians of student athletes **applicable students** of the nature and risk
 2 of sudden cardiac arrest to ~~student athletes~~: **applicable students**. The
 3 **guidelines and information sheets must include the following**
 4 **information:**

5 (1) The nature and warning signs of sudden cardiac arrest,
 6 including the risks associated with continuing to play or
 7 practice after experiencing one (1) or more symptoms of
 8 sudden cardiac arrest, including:

9 (A) fainting;

10 (B) difficulty breathing;

11 (C) chest pains;

12 (D) dizziness; and

13 (E) abnormal racing heart rate.

14 (2) Information about electrocardiogram testing, including
 15 the potential risks, benefits, and evidentiary basis behind
 16 electrocardiogram testing.

17 (b) The department:

18 (1) may consult with an association, medical professionals, and
 19 others with expertise in diagnosing and treating sudden cardiac
 20 arrest; and

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

24 (c) The department may disseminate the guidelines, information
 25 sheets, and forms required under this section in an electronic format
 26 **and must be made available on the department's Internet web site.**

27 SECTION 6. IC 20-34-8-6, AS ADDED BY P.L.139-2014,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2021]: Sec. 6. Each year, before beginning practice for an
 30 athletic activity, a **an applicable student athlete** and the ~~student~~
 31 ~~athlete's applicable student's~~ parent: ~~or legal guardian:~~

32 (1) **must obtain an electrocardiogram for the applicable**
 33 **student, unless the parent of the applicable student or the**
 34 **emancipated applicable student opts out, at a cost to be**
 35 **incurred by the parent or the emancipated applicable student;**

36 ~~(+)~~ (2) must be given the information sheet and form described in
 37 section 5 of this chapter; and

38 ~~(-)~~ (3) shall sign and return the form acknowledging the receipt
 39 **and review** of the information sheet to the ~~student athlete's~~
 40 **applicable student's coach, marching band leader, or other**
 41 **official designated by the applicable student's school entity.**

42 The coach, marching band leader, or other official designated by



1 **the applicable student's school entity** shall maintain a file of the
2 completed forms.

3 SECTION 7. IC 20-34-8-7, AS ADDED BY P.L.139-2014,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 7. If a **an applicable** student ~~athlete~~ is suspected,
6 **as determined by a game official, coach from the student athlete's**
7 **team, licensed athletic trainer, physician assistant, advanced**
8 **practice registered nurse, licensed physician, marching band**
9 **leader, or other official designated by the applicable student's**
10 **school entity**, of experiencing a symptom of sudden cardiac arrest in
11 a practice for an athletic activity or in an athletic activity:

12 (1) the **applicable** student ~~athlete~~ shall be removed from practice
13 or play at the time that the symptom is identified; and

14 (2) the parent ~~or legal guardian~~ of the **applicable** student ~~athlete~~
15 shall be notified of the ~~student athlete's~~ **applicable student's**
16 symptoms.

17 SECTION 8. IC 20-34-8-8, AS ADDED BY P.L.139-2014,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2021]: Sec. 8. ~~A~~ **An applicable** student ~~athlete~~ who has been
20 removed from practice or play under section 7 of this chapter may not
21 return to practice or play until the coach, **marching band leader, or**
22 **other official designated by the applicable student's school entity**
23 has:

24 (1) **provided the applicable student's parent with information**
25 **regarding sudden cardiac arrest described in section 5 of this**
26 **chapter; and**

27 (2) received verbal permission from a parent ~~or legal guardian~~ of
28 the **applicable** student ~~athlete~~ for the **applicable** student ~~athlete~~
29 to return to practice and play.

30 Within twenty-four (24) hours after giving verbal permission for the
31 **applicable** student ~~athlete~~ to return to practice and play, the parent ~~or~~
32 ~~legal guardian~~ must provide the coach, **marching band leader, or**
33 **other official designated by the applicable student's school entity**
34 with a written statement that the **applicable** student ~~athlete~~ has
35 permission to return to practice and play.

36 SECTION 9. IC 20-34-8-9 IS ADDED TO THE INDIANA CODE
37 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2021]: Sec. 9. (a) **This section applies to:**

39 (1) **a head coach or assistant coach who coaches an athletic**
40 **activity;**

41 (2) **a marching band leader; or**

42 (3) **a leader of an extracurricular activity in which students**



1 **have an increased risk of sudden cardiac arrest activity as**
2 **determined by the department in consultation with an**
3 **organization that specializes in the prevention of sudden**
4 **cardiac arrest.**
5 **(b) An individual described in subsection (a) shall complete the**
6 **sudden cardiac arrest training course offered by a provider**
7 **approved by the department in a manner specified by the state**
8 **board under IC 20-28-5.5-1. An individual described in subsection**
9 **(a) may not coach or lead the athletic activity until the individual**
10 **completes the training course required under this subsection. The**
11 **provider shall provide the school with a certificate of completion**
12 **to the school corporation, charter school, or state accredited**
13 **nonpublic school for each individual who completes a course under**
14 **this subsection.**
15 **(c) Each school corporation, charter school, or state accredited**
16 **nonpublic school shall maintain all certificates of completion**
17 **awarded under subsection (b) for each individual described in**
18 **subsection (a).**
19 **(d) An individual described in subsection (a) who complies with**
20 **this section and provides coaching or leadership services in good**
21 **faith is not personally liable for damages in a civil action as a result**
22 **of a sudden cardiac arrest incurred by an applicable student**
23 **participating in an athletic activity for which the head coach,**
24 **assistant coach, marching band leader, or other applicable leader**
25 **provided coaching or leadership services, except for an act or**
26 **omission by the individual described in subsection (a) that**
27 **constitutes gross negligence or willful or wanton misconduct.**
28 **SECTION 10. IC 34-30-2-85.9, AS AMENDED BY P.L.135-2016,**
29 **SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
30 **JULY 1, 2021]: Sec. 85.9. IC 20-34-7-6, and IC 20-34-7-7, and**
31 **IC 20-34-8-9 (Concerning coaches and assistant coaches, **marching****
32 **band leaders, or other extracurricular activity leaders).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 33, strike "a" and insert "**an**".

Page 4, delete lines 17 through 20.

Page 4, between lines 35 and 36, begin a new line block indented and insert:

"(1) must obtain an electrocardiogram for the applicable student, unless the parent of the applicable student or the emancipated applicable student opts out, at a cost to be incurred by the parent or the emancipated applicable student;"

Page 4, line 36, strike "(1)" and insert "**(2)**".

Page 4, line 38, strike "(2)" and insert "**(3)**".

Page 4, line 39, strike "student athlete's" and insert "**applicable student's**".

Page 4, line 39, delete "coach" and insert "coach, **marching band leader**".

Page 5, line 7, delete "certified athletic trainer," and insert "**licensed athletic trainer, physician assistant, advanced practice registered nurse**".

Page 5, delete lines 16 through 34, begin a new paragraph and insert:

"SECTION 8. IC 20-34-8-8, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. **A An applicable student athlete** who has been removed from practice or play under section 7 of this chapter may not return to practice or play until the coach, **marching band leader, or other official designated by the applicable student's school entity** has:

(1) provided the applicable student's parent with information regarding sudden cardiac arrest described in section 5 of this chapter; and

(2) received verbal permission from a parent or legal guardian of the applicable student athlete for the applicable student athlete to return to practice and play.

Within twenty-four (24) hours after giving verbal permission for the **applicable student athlete** to return to practice and play, the parent or **legal guardian** must provide the coach, **marching band leader, or**



other official designated by the applicable student's school entity with a written statement that the **applicable** student ~~athlete~~ has permission to return to practice and play."

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1040 as introduced.)

BEHNING

Committee Vote: yeas 10, nays 0.

