



February 13, 2015

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## SENATE BILL No. 403

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DIGEST OF SB 403 (Updated February 11, 2015 12:59 pm - DI 104)

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

**Synopsis:** Student athletes and head injuries. Provides that the law concerning concussions and head injuries applies to student athletes in grades 5 through 12 who participate in interscholastic or intramural sports. (Current law provides that the law concerning concussions and head injuries applies to high school student athletes.) Requires beginning July 1, 2016: (1) all coaches and assistant coaches of student athletes of specified sports; and (2) assistant football coaches of student athletes who are less than 20 years old; to complete certain certified coaching education courses. (Current law requires coaches and assistant coaches who coach football to individuals who are less than 20 years old to complete certain certified coaching education courses.). Provides civil immunity for the coaches and assistant coaches in compliance with the training and who provide coaching services in good faith from damages as a result of a concussion or head injury incurred by an athlete.

**Effective:** July 1, 2016.

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**Lanane, Miller Patricia, Stoops,  
Charbonneau**

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January 12, 2015, read first time and referred to Committee on Health & Provider Services.  
February 12, 2015, amended, reported favorably — Do Pass.

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SB 403—LS 6661/DI 110





February 13, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 403

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 20-34-7-1.5, AS ADDED BY P.L.34-2014,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 1.5. As used in this chapter, "organizing entity"  
4 means any person that:  
5 (1) operates:  
6 (A) a recreational;  
7 (B) an intramural; or  
8 (C) an extracurricular;  
9 athletic or sports program for ~~individuals who are less than twenty~~  
10 ~~(20) years of age; student athletes;~~ and  
11 (2) uses a facility, field, park, or other property that is owned,  
12 leased, operated, or maintained by any of the following:  
13 (A) The state.  
14 (B) A political subdivision (as defined in IC 36-1-2-13).  
15 (C) An agency or instrumentality of an entity described in  
16 clause (A) or (B).

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1 SECTION 2. IC 20-34-7-1.6 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2016]: **Sec. 1.6. As used in this chapter, "sport" refers to the**  
 4 **following:**

- 5 (1) **Baseball.**
- 6 (2) **Basketball.**
- 7 (3) **Cheerleading.**
- 8 (4) **Cross country.**
- 9 (5) **Golf.**
- 10 (6) **Gymnastics.**
- 11 (7) **Soccer.**
- 12 (8) **Softball.**
- 13 (9) **Swimming.**
- 14 (10) **Tennis.**
- 15 (11) **Track.**
- 16 (12) **Volleyball.**
- 17 (13) **Wrestling.**

18 SECTION 3. IC 20-34-7-1.7 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2016]: **Sec. 1.7. As used in this chapter, "student athlete" means**  
 21 **any student who:**

- 22 (1) **attends a school;**
- 23 (2) **is in grade 5, 6, 7, 8, 9, 10, 11, or 12; and**
- 24 (3) **participates in any interscholastic or intramural sport.**

25 SECTION 4. IC 20-34-7-2, AS ADDED BY P.L.144-2011,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2016]: **Sec. 2. (a) Before July 1, 2012, 2016, the department**  
 28 **shall disseminate guidelines, information sheets, and forms to each**  
 29 **school corporation for distribution to a school to inform and educate**  
 30 **coaches, student athletes, and parents of student athletes of the nature**  
 31 **and risk of concussion and head injury to student athletes, including the**  
 32 **risks of continuing to play after concussion or head injury.**

33 (b) The department:

- 34 (1) may consult with the association, medical professionals, and  
 35 others with expertise in diagnosing and treating concussions and  
 36 head injuries; and
- 37 (2) may request the assistance of the association in disseminating  
 38 the guidelines, information sheets, and forms required under  
 39 subsection (a).

40 (c) The department may disseminate the materials required under  
 41 this section in an electronic format.

42 SECTION 5. IC 20-34-7-3, AS ADDED BY P.L.144-2011,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2016]: Sec. 3. Each year, before beginning practice for an  
3 interscholastic or intramural sport, a ~~high school~~ student athlete and the  
4 student athlete's parent:

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

7 (2) shall sign and return the form acknowledging the receipt of the  
8 information to the student athlete's coach.

9 The coach shall maintain a file of the completed forms.

10 SECTION 6. IC 20-34-7-4, AS ADDED BY P.L.144-2011,  
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2016]: Sec. 4. A ~~high school~~ student athlete who is suspected  
13 of sustaining a concussion or head injury in a practice or game:

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

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

17 SECTION 7. IC 20-34-7-5, AS AMENDED BY P.L.34-2014,  
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2016]: Sec. 5. (a) A ~~high school~~ student athlete who has been  
20 removed from play under section 4 of this chapter may not return to  
21 play until:

22 (1) the student athlete:

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

26 (B) receives a written clearance to return to play from the  
27 health care provider who evaluated the student athlete; and

28 (2) not less than twenty-four (24) hours have passed since the  
29 student athlete was removed from play.

30 (b) A licensed health care provider who evaluates a student athlete  
31 under subsection (a) may conduct the evaluation as a volunteer. A  
32 volunteer health care provider who in good faith and gratuitously  
33 authorizes a student athlete to return to play is not liable for civil  
34 damages resulting from an act or omission in the rendering of an  
35 evaluation, except for acts or omissions that constitute gross negligence  
36 or willful or wanton misconduct.

37 SECTION 8. IC 20-34-7-6, AS ADDED BY P.L.34-2014,  
38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2016]: Sec. 6. (a) As used in this section, "football" does not  
40 include flag football.

41 (b) Beginning July 1, ~~2014~~, **2016**, prior to coaching football to  
42 individuals who are less than twenty student athletes, ~~(20)~~ years of



1 ~~age~~, each head football coach and **any** assistant football coach shall  
 2 complete a certified coaching education course that:

- 3 (1) is sport specific;  
 4 (2) contains player safety content, including content on:  
 5 (A) concussion awareness;  
 6 (B) equipment fitting;  
 7 (C) heat emergency preparedness; and  
 8 (D) proper technique;  
 9 (3) requires a coach **or assistant coach** to complete a test  
 10 demonstrating comprehension of the content of the course; and  
 11 (4) awards a certificate of completion to a coach **or assistant**  
 12 **coach** who successfully completes the course.

13 (c) For a coach's **or assistant coach's** completion of a course to  
 14 satisfy the requirement imposed by subsection (b), the course must  
 15 have been approved by the department.

16 (d) A coach **and assistant coach** shall complete a course not less  
 17 than once during a two (2) year period. However, if the coach **or**  
 18 **assistant coach** receives notice from the organizing entity that new  
 19 information has been added to the course before the end of the two (2)  
 20 year period, the coach **or assistant coach** must:

- 21 (1) complete instruction; and  
 22 (2) successfully complete a test;

23 concerning the new information to satisfy the requirement imposed by  
 24 subsection (b).

25 (e) An organizing entity shall maintain a file of certificates of  
 26 completion awarded under subsection (b)(4) to any of the organizing  
 27 entity's head coaches and assistant coaches.

28 (f) A coach **or assistant coach** who complies with this section and  
 29 provides coaching services in good faith is not personally liable for  
 30 damages in a civil action as a result of a concussion or head injury  
 31 incurred by an athlete participating in an athletic activity in which the  
 32 coach **or assistant coach** provided coaching services, except for an act  
 33 or omission by the coach **or assistant coach** that constitutes gross  
 34 negligence or willful or wanton misconduct.

35 SECTION 9. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE  
 36 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 37 1, 2016]: **Sec. 7. (a) Beginning July 1, 2016, prior to coaching a**  
 38 **sport for student athletes, each head coach and any assistant coach**  
 39 **shall complete a certified coaching education course that:**

- 40 (1) contains player safety content on concussion awareness;  
 41 (2) requires a coach **or assistant coach** to complete a test  
 42 demonstrating comprehension of the content of the course;



1           **and**  
 2           **(3) awards a certificate of completion to a coach or assistant**  
 3           **coach who successfully completes the course.**  
 4           **(b) For a coach's or assistant coach's completion of a course to**  
 5           **satisfy the requirements imposed by subsection (a), the course must**  
 6           **have been approved by the department.**  
 7           **(c) A coach and assistant coach shall complete a course not less**  
 8           **than once during a two (2) year period. However, if the coach or**  
 9           **assistant coach receives notice from the organizing entity that new**  
 10           **information has been added to the course before the end of the two**  
 11           **(2) year period, the coach or assistant coach shall:**  
 12           **(1) complete instruction; and**  
 13           **(2) successfully complete a test;**  
 14           **concerning the new information to satisfy the requirements of this**  
 15           **section.**  
 16           **(d) An organizing entity shall maintain a file of certificates of**  
 17           **completion awarded under subsection (a)(3) to any of the**  
 18           **organizing entity's head coaches and assistant coaches.**  
 19           **(e) A coach or assistant coach who complies with this section**  
 20           **and provides coaching services in good faith is not personally liable**  
 21           **for damages in a civil action as a result of a concussion or head**  
 22           **injury incurred by an athlete participating in an athletic activity in**  
 23           **which the coach or assistant coach provided coaching services,**  
 24           **except for an act or omission by the coach or assistant coach that**  
 25           **constitutes gross negligence or willful or wanton misconduct.**  
 26           **SECTION 10. IC 34-30-2-85.9, AS ADDED BY P.L.34-2014,**  
 27           **SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 28           **JULY 1, 2016]: Sec. 85.9. IC 20-34-7-6 and IC 20-34-7-7 (Concerning**  
 29           **coaches): coaches and assistant coaches).**



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 403, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE JULY 1, 2016]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-34-7-1.5, AS ADDED BY P.L.34-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. As used in this chapter, "organizing entity" means any person that:

(1) operates:

- (A) a recreational;
- (B) an intramural; or
- (C) an extracurricular;

athletic or sports program for ~~individuals who are less than twenty (20) years of age;~~ **student athletes;** and

(2) uses a facility, field, park, or other property that is owned, leased, operated, or maintained by any of the following:

- (A) The state.
- (B) A political subdivision (as defined in IC 36-1-2-13).
- (C) An agency or instrumentality of an entity described in clause (A) or (B).

SECTION 2. IC 20-34-7-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.6. As used in this chapter, "sport" refers to the following:**

- (1) Baseball.**
- (2) Basketball.**
- (3) Cheerleading.**
- (4) Cross country.**
- (5) Golf.**
- (6) Gymnastics.**
- (7) Soccer.**
- (8) Softball.**
- (9) Swimming.**
- (10) Tennis.**
- (11) Track.**
- (12) Volleyball.**

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**(13) Wrestling."**

Page 1, line 7, delete "," and insert ".".

Page 1, delete line 8, begin a new paragraph and insert:

"SECTION 4. IC 20-34-7-2, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Before July 1, ~~2012~~, **2016**, the department shall disseminate 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 the materials required under this section in an electronic format."

Page 2, line 34, delete "2015," and insert "**2016**,".

Page 2, line 34, delete "a sport for".

Page 2, line 35, delete "student athletes or".

Page 2, line 35, strike "individuals who are less than twenty" and insert "**student athletes**,".

Page 2, line 36, strike "(20) years of age,".

Page 2, line 36, after "head" reset in roman "football".

Page 2, line 36, after "assistant" reset in roman "football".

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 9. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) Beginning July 1, 2016, prior to coaching a sport for student athletes, each head coach and any assistant coach shall complete a certified coaching education course that:**

**(1) contains player safety content on concussion awareness;**

**(2) requires a coach or assistant coach to complete a test demonstrating comprehension of the content of the course; and**

**(3) awards a certificate of completion to a coach or assistant coach who successfully completes the course.**

**(b) For a coach's or assistant coach's completion of a course to satisfy the requirements imposed by subsection (a), the course must**



have been approved by the department.

**(c) A coach and assistant coach shall complete a course not less than once during a two (2) year period. However, if the coach or assistant coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach or assistant coach shall:**

**(1) complete instruction; and**

**(2) successfully complete a test;**

**concerning the new information to satisfy the requirements of this section.**

**(d) An organizing entity shall maintain a file of certificates of completion awarded under subsection (a)(3) to any of the organizing entity's head coaches and assistant coaches.**

**(e) A coach or assistant coach who complies with this section and provides coaching services in good faith is not personally 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 or assistant coach provided coaching services, except for an act or omission by the coach or assistant coach that constitutes gross negligence or willful or wanton misconduct."**

Page 3, line 30, after "IC 20-34-7-6" insert "and IC 20-34-7-7".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 403 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 0.

