

*[As Amended by Senate Committee of the Whole]*

*Session of 2011*

**SUBSTITUTE SENATE BILL No. 33**

By Committee on Public Health and Welfare

2-17

1 AN ACT concerning ~~school districts; enacting the school sports head~~  
2 ~~injury prevention act~~ *[high school athletes]*.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) This section shall be known and may be cited as  
6 the school sports head injury prevention act.

7 (b) As used in this section:

8 (1) "School" means any public or accredited private high school,  
9 middle school or junior high school.

10 (2) "Health care provider" means a person licensed to practice  
11 medicine and surgery.

12 (c) The state board of education, in cooperation with the Kansas  
13 state high school activities association, shall compile information on  
14 the nature and risk of concussion and head injury including the dangers  
15 and risks associated with the continuation of playing or practicing after  
16 a person suffers a concussion or head injury. Such information shall be  
17 provided to school districts for distribution to coaches, school athletes  
18 and the parents or guardians of school athletes.

19 (d) A school athlete may not participate in any sport competition  
20 or practice session unless such athlete and the athlete's parent or  
21 guardian have signed, and returned to the school, a concussion and  
22 head injury information release form. A release form shall be signed  
23 and returned each school year that a student athlete participates in sport  
24 competitions or practice sessions.

25 (e) If a school athlete suffers, or is suspected of having suffered, a  
26 concussion or head injury during a sport competition or practice  
27 session, such school athlete immediately shall be removed from the  
28 sport competition or practice session.

29 (f) Any school athlete who has been removed from a sport  
30 competition or practice session shall not return to competition or  
31 practice until the athlete is evaluated by a health care provider and the  
32 health care provider provides such athlete a written clearance to return  
33 to play or practice. If the health care provider who provides the

1 clearance to return to play or practice is not an employee of the school  
2 district, such health care provider shall not be liable for civil damages  
3 resulting from any act or omission in the rendering of such care, other  
4 than acts or omissions constituting gross negligence or willful or  
5 wanton misconduct.

6 ***[Sec. 2. The Kansas state high school activities association and***  
7 ***its member high schools, and administrators, principals, coaches,***  
8 ***teachers and other affiliated with such association and member high***  
9 ***schools, shall not adopt any rules and regulations or interpret any***  
10 ***existing rule and regulation in any manner which would prohibit a***  
11 ***student athlete from training with any Kansas state high school***  
12 ***league-sponsored sport or competition while the student athlete is***  
13 ***participating in nonschool swimming athletic training or diving***  
14 ***athletic training, or both, during the high school sport season and***  
15 ***throughout the year if:***

16 ***(a) The nonschool swimming athletic training or diving athletic***  
17 ***training, or both, is under the jurisdiction of and sanctioned by the***  
18 ***national governing body of the sport, U.S.A. swimming, inc., or***  
19 ***U.S.A. diving, inc.; and***

20 ***(b) the student athlete meets the reasonable and ordinary***  
21 ***school-established requirements for participation in the student***  
22 ***athlete's high school swimming program or diving program, or both.]***

23 ~~Sec. 2.~~ ***[3.]*** This act shall take effect and be in force from and after  
24 its publication in the statute book.