

**PROTECTION OF ATHLETES WITH HEAD INJURIES ACT**

**AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies Title 26, Chapter 53, Protection of Athletes with Head Injuries Act, by amending the responsibilities of an amateur sports organization or its agent.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ requires that each agent of an amateur sports organization be aware of the organization's concussion and head injury policy;
- ▶ requires that an amateur sports organization or its agent immediately remove a child from participating in a sporting event if the organization or agent knows or should have known the child sustained a concussion or traumatic head injury; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-53-102**, as enacted by Laws of Utah 2011, Chapter 97



28 26-53-201, as enacted by Laws of Utah 2011, Chapter 97

29 26-53-301, as enacted by Laws of Utah 2011, Chapter 97



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 26-53-102 is amended to read:

33 **26-53-102. Definitions.**

34 As used in this chapter:

35 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

36 (2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

37 (i) a sports team;

38 (ii) a public or private school;

39 (iii) a public or private sports league;

40 (iv) a public or private sports camp; or

41 (v) any other public or private organization that organizes, [~~operates;~~] manages, or  
42 sponsors a sporting event for its members, enrollees, or attendees.

43 (b) "Amateur sports organization" does not include a professional:

44 (i) team;

45 (ii) league; or

46 (iii) sporting event.

47 (3) "Child" means an individual who is under the age of 18.

48 (4) "Qualified health care provider" means a health care provider who:

49 (a) is licensed under Title 58, Occupations and Professions; and

50 (b) may evaluate and manage a concussion within the health care provider's scope of  
51 practice.

52 (5) (a) "Sporting event" means any of the following athletic activities that is organized,  
53 [~~operated;~~] managed, or sponsored by an organization:

54 (i) a game;

55 (ii) a practice;

56 (iii) a sports camp;

57 (iv) a physical education class;

58 (v) a competition; or

- 59 (vi) a tryout.
- 60 (b) "Sporting event" does not include:
- 61 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a
- 62 ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of
- 63 a camp, team, or competition that is organized, managed, or sponsored by the ski resort[-];
- 64 (ii) as applied to a government entity, merely making available a field, facility, or other
- 65 location owned, leased, or controlled by the government entity to an amateur sports
- 66 organization or a child, regardless of whether the government entity charges a fee for the use;
- 67 or
- 68 (iii) free play or recess taking place during school hours.

69 (6) "Traumatic head injury" means an injury to the head arising from blunt trauma, an  
 70 acceleration force, or a deceleration force, with one of the following observed or self-reported  
 71 conditions attributable to the injury:

- 72 (a) transient confusion, disorientation, or impaired consciousness;
- 73 (b) dysfunction of memory;
- 74 (c) loss of consciousness; or
- 75 (d) signs of other neurological or neuropsychological dysfunction, including:
- 76 (i) seizures;
- 77 (ii) irritability;
- 78 (iii) lethargy;
- 79 (iv) vomiting;
- 80 (v) headache;
- 81 (vi) dizziness; or
- 82 (vii) fatigue.

83 Section 2. Section **26-53-201** is amended to read:

84 **26-53-201. Adoption and enforcement of concussion and head injury policy --**  
 85 **Notice of policy to parent or guardian.**

86 Each amateur sports organization shall:

- 87 (1) adopt and enforce a concussion and head injury policy that:
- 88 (a) is consistent with the requirements of Section 26-53-301; and
- 89 (b) describes the nature and risk of:

90 (i) a concussion or a traumatic head injury; and  
91 (ii) continuing to participate in a sporting event after sustaining a concussion or a  
92 traumatic head injury;

93 (2) ensure that each agent of the amateur sports organization is [~~familiar with~~] aware  
94 of, and has a copy of, the concussion and head injury policy; and

95 (3) before permitting a child to participate in a sporting event of the amateur sports  
96 organization:

97 (a) provide a written copy of the concussion and head injury policy to a parent or legal  
98 guardian of a child; and

99 (b) obtain the signature of a parent or legal guardian of the child, acknowledging that  
100 the parent or legal guardian has read, understands, and agrees to abide by, the concussion and  
101 head injury policy.

102 Section 3. Section **26-53-301** is amended to read:

103 **26-53-301. Removal of child suspected of sustaining concussion or a traumatic**  
104 **head injury -- Medical clearance required before return to participation.**

105 (1) An amateur sports organization, and each agent of the amateur sports organization,  
106 shall:

107 (a) immediately remove a child from participating in a sporting event of the amateur  
108 sports organization if [~~the child is suspected of sustaining~~] the organization or agent knows or  
109 should have known the child sustained a concussion or a traumatic head injury; and

110 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting  
111 event of the amateur sports organization until the child:

112 (i) is evaluated by a qualified health care provider who is trained in the evaluation and  
113 management of a concussion; and

114 (ii) provides the amateur sports organization with a written statement from the  
115 qualified health care provider described in Subsection (1)(b)(i) stating that:

116 (A) the qualified health care provider has, within three years before the day on which  
117 the written statement is made, successfully completed a continuing education course in the  
118 evaluation and management of a concussion; and

119 (B) the child is cleared to resume participation in the sporting event of the amateur  
120 sports organization.

121 (2) This section does not create a new cause of action.

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**Legislative Review Note**  
**as of 10-9-12 2:01 PM**

**Office of Legislative Research and General Counsel**