

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 11-040

BY SENATOR(S) Spence and Newell, Aguilar, Boyd, Guzman, Heath, Hudak, Johnston, Nicholson, Schwartz, Shaffer B., Tochtrop, White, Giron, King S.;
also REPRESENTATIVE(S) Summers and Todd, Casso, Fields, Fischer, Hamner, Hullinghorst, Labuda, Peniston, Ryden, Solano, Soper, Vigil, Williams A.

CONCERNING THE REQUIREMENT THAT A COACH OF AN ORGANIZED YOUTH ATHLETIC ACTIVITY FOLLOW CONCUSSION GUIDELINES, AND, IN CONNECTION THEREWITH, CREATING THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".

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

SECTION 1. Title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 43
Required Head Trauma Guidelines

25-43-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

25-43-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "HEALTH CARE PROVIDER" MEANS A DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER, LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND MANAGEMENT.

(2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL SUBDIVISION THEREOF.

(3) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY OR IN PRACTICE OR PREPARATION FOR AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY, AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM, OR A LESSON.

25-43-103. Organized school athletic activities - concussion guidelines required. (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(2) (a) THE CONCUSSION RECOGNITION EDUCATION COURSE

REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING:

(I) INFORMATION ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF A CONCUSSION;

(II) THE NECESSITY OF OBTAINING PROPER MEDICAL ATTENTION FOR A PERSON SUSPECTED OF HAVING A CONCUSSION; AND

(III) INFORMATION ON THE NATURE AND RISK OF CONCUSSIONS, INCLUDING THE DANGER OF CONTINUING TO PLAY AFTER SUSTAINING A CONCUSSION AND THE PROPER METHOD OF ALLOWING A YOUTH ATHLETE WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

(b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

(3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

(4) (a) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE SCHOOL COACH OR PRIVATE OR PUBLIC RECREATIONAL FACILITY'S DESIGNATED PERSONNEL SHALL NOTIFY THE ATHLETE'S PARENT OR LEGAL GUARDIAN AND SHALL NOT PERMIT THE YOUTH ATHLETE TO RETURN TO PLAY OR PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES INVOLVING PHYSICAL EXERTION, INCLUDING GAMES, COMPETITIONS, OR PRACTICES, UNTIL HE OR SHE IS EVALUATED BY A HEALTH CARE PROVIDER AND RECEIVES WRITTEN CLEARANCE TO RETURN TO PLAY FROM THE HEALTH CARE PROVIDER. THE HEALTH CARE PROVIDER EVALUATING A YOUTH ATHLETE SUSPECTED OF HAVING A CONCUSSION OR BRAIN INJURY MAY BE A VOLUNTEER.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS

SUBSECTION (4), A DOCTOR OF CHIROPRACTIC WITH TRAINING AND SPECIALIZATION IN CONCUSSION EVALUATION AND MANAGEMENT MAY EVALUATE AND PROVIDE CLEARANCE TO RETURN TO PLAY FOR AN ATHLETE WHO IS PART OF THE UNITED STATES OLYMPIC TRAINING PROGRAM.

(c) AFTER A CONCUSSED ATHLETE HAS BEEN EVALUATED AND RECEIVED CLEARANCE TO RETURN TO PLAY FROM A HEALTH CARE PROVIDER, AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER, A PRIVATE OR PUBLIC SCHOOL, A PRIVATE CLUB, A PUBLIC RECREATION FACILITY, OR AN ATHLETIC LEAGUE MAY ALLOW A REGISTERED ATHLETIC TRAINER WITH SPECIFIC KNOWLEDGE OF THE ATHLETE'S CONDITION TO MANAGE THE ATHLETE'S GRADUATED RETURN TO PLAY.

(5) NOTHING IN THIS ARTICLE ABROGATES OR LIMITS THE PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.; VOLUNTEERS AND BOARD MEMBERS PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR SKI AREA OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113, C.R.S.

SECTION 2. Act subject to petition - effective date. This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on January 1,

2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO