

SESSION OF 2011

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR SENATE BILL NO. 33**

As Amended by Senate Committee of the Whole

**Brief\***

Sub. for SB 33 would create the School Sports Injury Prevention Act and would add provisions governing the participation by student athletes in State High School League sponsored sport or competition while participating in non-school swimming athletic training or diving athletic training, or both.

**School Sports Injury Prevention Act**

The School Sports Injury Prevention Act would apply to any public or accredited private high school, middle school, or junior high school. The State Board of Education would be required to distribute information regarding the nature of risks of concussion and head injury. Further, the new law would require that a student suffering, or suspected of having suffered, a concussion or head injury be immediately removed from a sport competition or practice. Specific conditions would have to be met before a student would be allowed to return to competition or practice.

The bill would require:

- The State Board of Education, in cooperation with the Kansas State High School Activities Association, to gather information on the nature and risk of concussion and head injury, including the dangers of continuing to

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

play or practice after suffering such an injury, and distribute the information to coaches, school athletes, and parents or guardians of school athletes;

- A concussion and head injury information release form be signed by the athlete and the athlete's parent or guardian and returned to the school prior to participation in any sport competition or practice session. A new signed release form would be required to be returned to the school each school year that a student participates in sports competitions and practice sessions;
- Immediate removal of a school athlete from a sport competition or practice session if a concussion or head injury has been suffered or is suspected;
- Evaluation by a health care provider (defined under the Act as a person licensed to practice medicine and surgery) of any school athlete who has been removed from a sport competition or practice session; and
- Written clearance by the health care provider performing the evaluation prior to return to competition or practice.

The bill would exempt a health care provider who provides a written clearance, and is not an employee of the school district, from liability for civil damages resulting from any act or omission in rendering care, except for acts or omissions which constitute gross negligence or willful or wanton misconduct.

### **Participation by High School Athletes**

The bill would prevent the Kansas State High School Activities Association and its member high schools, and administrators, principals, coaches, teachers and others affiliated with the Association and member high schools from adopting rules or regulations or interpreting existing rules and

regulations in such a way as to prohibit a student athlete from training with any Kansas State High School League-sponsored sport or competition while the student is participating in non-school swimming athletic training or diving athletic training, or both, during the high school sport season and throughout the year if:

- The non-school swimming or diving athletic training, or both, is under the jurisdiction of and sanctioned by the national body of the sport, U.S.A. Swimming, Inc., or U.S.A. Diving, Inc.; and
- The student athlete meets the reasonable and ordinary requirements established by the school for participation in the student athlete's high school swimming program or diving program, or both.

### **Background**

SB 33 was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas Athletic Trainers Society. Proponents of the bill testifying before the Committee included representatives from the Kansas Athletic Trainers Society, the Kansas Chiropractic Association, the Kansas Medical Society, Kansas Safe Kids, the Kansas University Athletic Training Education Program, and the Medical Society of Sedgwick County. Written testimony in favor of the bill was submitted to the Committee by representatives of the Kansas Association of Osteopathic Medicine, the Kansas City Chiefs Football Club, and the National Football League. A representative of the Kansas Athletic Trainers Society stated the bill would protect young adolescent student athletes from returning to competition or practice too early from a traumatic brain injury or concussion. A representative of Safe Kids Kansas stated the bill would provide the means to educate the public about concussions and equip schools in identifying when such an injury has occurred.

KSA 65-28,127 outlines the written protocol process which allows a person licensed by the State Board of Healing Arts to practice medicine and surgery or chiropractic to enter into a practice protocol or delegate to other persons those acts and functions within the normal and customary specialty, competence and lawful practice of the responsible licensee.

There were no opponents to the bill at the Committee hearing.

The Senate Committee on Public Health and Welfare recommended a substitute bill after consideration of several amendments. The subject matter of the original bill and the substitute bill remain the same.

The Senate Committee of the Whole amended the bill to add provisions governing student athlete participation in Kansas State High School League-sponsored sport or competition.

The fiscal note on the original bill prepared by the Division of the Budget stated that the Department of Education indicated the bill would have a negligible fiscal effect.