CHAPTER 67

HEALTH AND ENVIRONMENT

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.

AN ACT

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

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.

Approved: March 29, 2011