

As Amended by House Committee

[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 injury~~  
2 ~~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 the  
6 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 **by the state**  
11 **board of healing arts** to practice medicine and surgery **or chiropractic**.

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

19 (d) A school athlete may not participate in any sport competition or  
20 practice session unless such athlete and the athlete's parent or guardian  
21 have signed, and returned to the school, a concussion and head injury  
22 information release form. A release form shall be signed and returned each  
23 school year that a student athlete participates in sport competitions or  
24 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 session,  
27 such school athlete immediately shall be removed from the sport  
28 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 practice  
31 until the athlete is evaluated by a health care provider and the health care  
32 provider provides such athlete a written clearance to return to play or  
33 practice. If the health care provider who provides the clearance to return to  
34 play or practice is not an employee of the school district, such health care

1 provider shall not be liable for civil damages resulting from any act or  
2 omission in the rendering of such care, other than acts or omissions  
3 constituting gross negligence or willful or wanton misconduct.

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

13 (a) ~~The nonschool swimming athletic training or diving athletic~~  
14 ~~training, or both, is under the jurisdiction of and sanctioned by the national~~  
15 ~~governing body of the sport, U.S.A. swimming, inc., or U.S.A. diving,~~  
16 ~~inc.; and~~

17 (b) ~~the student athlete meets the reasonable and ordinary school-~~  
18 ~~established requirements for participation in the student athlete's high~~  
19 ~~school swimming program or diving program, or both.]~~

20 Sec. 2: ~~[3-] 2.~~ This act shall take effect and be in force from and after  
21 its publication in the statute book.