



# Senate

General Assembly

**File No. 151**

January Session, 2017

Substitute Senate Bill No. 769

*Senate, March 22, 2017*

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING CONCUSSIONS AND YOUTH ATHLETIC ACTIVITIES CONDUCTED ON PUBLIC ATHLETIC FIELDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-432 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) For purposes of this section:

4 (1) "Youth athletic activity" means an organized athletic activity  
5 involving participants of not less than seven years of age and not more  
6 than nineteen years of age, who (A) (i) engage in an organized athletic  
7 game or competition against another team, club or entity or in practice  
8 or preparation for an organized game or competition against another  
9 team, club or entity, or (ii) attend an organized athletic camp or clinic  
10 the purpose of which is to train, instruct or prepare such participants  
11 to engage in an organized athletic game or competition, and (B) (i) pay  
12 a fee to participate in such organized athletic game or competition or

13 attend such camp or clinic, or (ii) whose cost to participate in such  
14 athletic game or competition or attend such camp or clinic is  
15 sponsored by a municipality, business or nonprofit organization.  
16 "Youth athletic activity" does not include any college or university  
17 athletic activity, or an athletic activity that is incidental to a nonathletic  
18 program or lesson; [and]

19 (2) "Operator" means any municipality, business or nonprofit  
20 organization that conducts, coordinates, organizes or otherwise  
21 oversees any youth athletic activity but shall not include any  
22 municipality, business or nonprofit organization solely providing  
23 access to, or use of, any field, court or other recreational area, whether  
24 for compensation or not; [.] and

25 (3) "Public athletic field" means any state or municipally owned or  
26 operated field or open space used for sporting or sporting-related  
27 activities.

28 (b) Not later than January 1, 2016, and annually thereafter, each  
29 operator of a youth athletic activity shall make available a written or  
30 electronic statement regarding concussions to each youth athlete and a  
31 parent or legal guardian of each youth athlete participating in the  
32 youth athletic activity. Such written or electronic statement shall be  
33 made available upon registration of each youth athlete and shall be  
34 consistent with the most recent information provided by the National  
35 Centers for Disease Control and Prevention regarding concussions.  
36 Such written or electronic statement shall include educational content  
37 addressing, at a minimum: (1) The recognition of signs or symptoms of  
38 a concussion, (2) the means of obtaining proper medical treatment for a  
39 person suspected of sustaining a concussion, (3) the nature and risks of  
40 concussions, including the danger of continuing to engage in youth  
41 athletic activity after sustaining a concussion, and (4) the proper  
42 procedures for allowing a youth athlete who has sustained a  
43 concussion to return to athletic activity.

44 [(c) No operator, or designee of such operator, shall be subject to  
45 civil liability for failing to make available the written or electronic

46 statement regarding concussions pursuant to subsection (b) of this  
47 section.]

48 (c) On and after January 1, 2018, no operator shall conduct any  
49 youth athletic activity on a public athletic field unless such operator  
50 has (1) distributed to a parent or legal guardian of each youth athlete  
51 participating in such youth athletic activity an informed consent form  
52 that is substantially similar to the informed consent form developed or  
53 approved pursuant to subsection (e) of section 10-149b, and (2)  
54 obtained such parent or legal guardian's signature, attesting to the fact  
55 that such parent or legal guardian has (A) received a copy of such  
56 informed consent form, and (B) authorized the youth athlete to  
57 participate in the youth athletic activity.

58 (d) On and after January 1, 2018, no operator shall conduct any  
59 youth athletic activity on a public athletic field unless each coach of  
60 such youth athletic activity has completed (1) a training course  
61 regarding concussions developed or approved pursuant to subdivision  
62 (1) of subsection (b) of section 10-149b, or (2) a refresher course  
63 regarding concussions, developed or approved pursuant to  
64 subdivision (3) of subsection (b) of section 10-149b within the previous  
65 twenty-four months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	21a-432

**KID**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 18 \$	FY 19 \$
Various Municipalities	Cost	Potential Significant	Potential Significant
Various Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

**Explanation**

The bill results in a potentially significant cost to municipal youth athletic activity operators associated with a provision that makes such operators civilly liable for failing to distribute information about concussions.

The bill also results in a potential cost to municipalities of less than \$1,000 associated with distributing informed consent forms. Municipalities may incur costs as follows: 1) a municipality that provides such information electronically would not incur any costs; 2) a municipality that provides the information in person, upon registration would incur minimal printing costs; 3) a municipality that chooses to print and mail concussion-related information would likely incur costs of less than \$1,000.

There is an additional, potential cost associated with the requirement for coaches to complete a concussion training course. To the extent that municipalities pay for these courses, there is a minimal cost.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 769*****AN ACT CONCERNING CONCUSSIONS AND YOUTH ATHLETIC ACTIVITIES CONDUCTED ON PUBLIC ATHLETIC FIELDS.*****SUMMARY**

Starting January 1, 2018, this bill prohibits youth athletic activity operators (see BACKGROUND) from conducting such activities on a public athletic field unless:

1. the operator has (a) distributed to a parent or legal guardian of each participating youth athlete an informed consent form and (b) obtained the parent's or guardian's signature attesting that he or she received the form and authorizes the youth to participate in the activity and
2. each coach has completed, within the previous 24 months, a concussion training or refresher course the law requires the State Board of Education (SBE) to develop or approve for school coaches.

The informed consent form must be substantially similar to the form the law requires SBE, in consultation with the Department of Public Health and certain other entities, to develop or approve for parents and guardians of student athletes.

Under the bill, a "public athletic field" is a state or municipally owned or operated field or open space for sporting or sporting-related activities.

The bill also repeals a provision that makes operators and their designees immune from civil liability for failing to make available a written or electronic statement about concussions to each youth athlete and his or her parents or legal guardian upon registering to participate

in a youth athletic activity. By law, the statement must be consistent with the most recent information on concussions from the Centers for Disease Control and Prevention.

EFFECTIVE DATE: October 1, 2017

## **BACKGROUND**

### ***Operator***

By law, an “operator” is a municipality, business, or nonprofit organization that conducts, coordinates, organizes or otherwise oversees any youth athletic activity. It does not include such entities that solely provide access to, or use of, a field, court, or other recreational area (CGS § 21a-432(a)(2)).

### ***Youth Athletic Activity***

By law, a “youth athletic activity” is an organized athletic activity involving participants between ages seven and 19 who:

1. either (a) engage in, or practice or prepare for, an organized athletic game or competition against another team, club, or entity or (b) attend an organized athletic camp or clinic intended to train, instruct, or prepare participants to engage in organized athletic games or competitions and
2. either (a) pay a fee to participate in the game or competition or attend the camp or clinic or (b) have a municipality, business, or nonprofit organization sponsor their participation cost.

It excludes any college or university athletic activity or an athletic activity incidental to a nonathletic program or lesson (CGS §21a-432(a)(2)).

## **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 8 Nay 4 (03/07/2017)