



Reprinted  
April 12, 2011

---

---

# ENGROSSED SENATE BILL No. 93

---

DIGEST OF SB 93 (Updated April 11, 2011 4:08 pm - DI 71)

**Citations Affected:** IC 20-34; IC 34-30.

**Synopsis:** Concussions and head injuries in student athletes. Requires the department of education, in consultation with specified persons, to disseminate guidelines, information sheets, and forms to school corporations for distribution to schools to inform and educate coaches, student athletes, and parents of student athletes of the nature and risk of concussions and head injuries. Requires that a high school student athlete and the student athlete's parent be given information concerning head injuries and concussions and return a form acknowledging receipt of the information to the student athlete's coach each year before beginning practice for a sport. Requires that a high school student athlete who is suspected of sustaining a head injury or concussion be removed from play at the time of the injury. Provides that the student athlete may not return to play until the student athlete has been evaluated and received written clearance from a licensed health care provider trained in evaluating head injuries. Provides that a health care provider who, as a volunteer in good faith and gratuitously, provides head injury evaluations to student athletes has immunity from civil liability for acts or omissions arising from the evaluations, except for gross negligence or willful or wanton misconduct.

**Effective:** July 1, 2011.

---

---

## Holdman, Landske, Simpson

(HOUSE SPONSOR — BACON)

---

---

January 5, 2011, read first time and referred to Committee on Health and Provider Services.

February 14, 2011, amended, reported favorably — Do Pass.

February 15, 2011, read second time, amended, ordered engrossed.

February 16, 2011, engrossed.

February 17, 2011, read third time, passed. Yeas 46, nays 4.

### HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Education.

April 7, 2011, amended, reported — Do Pass.

April 11, 2011, read second time, amended, ordered engrossed.

---

---

ES 93—LS 6493/DI 71+



C  
O  
P  
Y

Reprinted  
April 12, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 93

---

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-34-7 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**  
3 **1, 2011]:**  
4 **Chapter 7. Student Athletes: Concussions and Head Injuries**  
5 **Sec. 1. As used in this chapter, "association" has the meaning set**  
6 **forth in IC 20-26-14-1.**  
7 **Sec. 2. (a) Before July 1, 2012, the department shall disseminate**  
8 **guidelines, information sheets, and forms to each school**  
9 **corporation for distribution to a school to inform and educate**  
10 **coaches, student athletes, and parents of student athletes of the**  
11 **nature and risk of concussion and head injury to student athletes,**  
12 **including the risks of continuing to play after concussion or head**  
13 **injury.**  
14 **(b) The department:**  
15 **(1) may consult with the association, medical professionals,**  
16 **and others with expertise in diagnosing and treating**  
17 **concussions and head injuries; and**

ES 93—LS 6493/DI 71+



C  
O  
P  
Y

1 (2) may request the assistance of the association in  
2 disseminating the guidelines, information sheets, and forms  
3 required under subsection (a).

4 (c) The department may disseminate the materials required  
5 under this section in an electronic format.

6 Sec. 3. Each year, before beginning practice for an  
7 interscholastic or intramural sport, a high school student athlete  
8 and the student athlete's parent:

9 (1) must be given the information sheet and form described in  
10 section 2 of this chapter; and

11 (2) shall sign and return the form acknowledging the receipt  
12 of the information to the student athlete's coach.

13 The coach shall maintain a file of the completed forms.

14 Sec. 4. A high school student athlete who is suspected of  
15 sustaining a concussion or head injury in a practice or game:

16 (1) shall be removed from play at the time of the injury; and

17 (2) may not return to play until the student athlete has  
18 received a written clearance under section 5(a) of this chapter.

19 Sec. 5. (a) A high school student athlete who has been removed  
20 from play under section 4 of this chapter may not return to play  
21 until the student athlete:

22 (1) is evaluated by a licensed health care provider trained in  
23 the evaluation and management of concussions and head  
24 injuries; and

25 (2) receives a written clearance to return to play from the  
26 health care provider who evaluated the student athlete.

27 (b) A licensed health care provider who evaluates a student  
28 athlete under subsection (a) may conduct the evaluation as a  
29 volunteer. A volunteer health care provider who in good faith and  
30 gratuitously authorizes a student athlete to return to play is not  
31 liable for civil damages resulting from an act or omission in the  
32 rendering of an evaluation, except for acts or omissions that  
33 constitute gross negligence or willful or wanton misconduct.

34 SECTION 2. IC 34-30-2-85.7 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2011]: Sec. 85.7. IC 20-34-7-5 (Concerning  
37 a licensed health care provider who provides voluntary evaluations  
38 of concussions and head injuries for student athletes).

C  
o  
p  
y



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 93, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "develop and".

Page 1, line 8, after "to" insert "**each school corporation for distribution to a school to**".

Page 1, line 14, delete "shall" and insert "**may**".

Page 1, line 14, delete "in developing;" and insert ", **medical professionals, and others with expertise in diagnosing and treating concussions and head injuries;**".

Page 1, line 16, delete ";".

Page 1, run in lines 16 through 17.

Page 2, between lines 1 and 2, begin a new paragraph and insert:

**"(c) The department may disseminate the materials required under this section in an electronic format."**

Page 2, line 3, after "a" insert "**high school**".

Page 2, line 5, delete "developed" and insert "**described in**".

Page 2, line 6, delete "under".

Page 2, line 10, after "A" insert "**high school**".

Page 2, line 15, after "A" insert "**high school**".

and when so amended that said bill do pass.

(Reference is to SB 93 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

---

 SENATE MOTION

Madam President: I move that Senate Bill 93 be amended to read as follows:

Page 2, line 29, after "who" insert "**in good faith and gratuitously**".

(Reference is to SB 93 as printed February 14, 2011.)

HOLDMAN

ES 93—LS 6493/DI 71+



C  
O  
P  
Y

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 93, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-14-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a) A high school student who attends any accredited or nonaccredited nonpublic school that is not a member of an association may participate in high school athletics at a public high school that is a member of an association if the public high school is located within the legal settlement of the student and the criteria set forth in subsection (b) are met.**

**(b) For a high school student described in subsection (a) to be eligible to participate in high school athletics at a public high school that is located within the legal settlement of the student and is a member of an association, the following conditions must be met:**

**(1) If the student attends an accredited nonpublic school, the student must:**

**(A) fulfill the same academic requirements established for students of the public high school by the school corporation where the student has legal settlement; and**

**(B) meet all standards and requirements applicable to a student participating in the interscholastic athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, transportation arrangements, and any transfer rules of the association, but excluding any requirements that the student be enrolled in or attend the public school.**

**(2) If the student attends a nonaccredited nonpublic school, the student must meet the conditions under subdivision (1) or:**

**(A) must have attended a nonaccredited nonpublic school for the entire previous three (3) school years;**

**(B) must:**

**(i) take a nationally recognized test, as approved by the department, that assesses basic skills and achievement for each year of high school and achieve at least the minimum standard score commensurate with the**

**C  
O  
P  
Y**



student's grade level; and  
(ii) provide to the public high school principal written verification from the nonpublic school that the student is eligible to participate in the interscholastic athletic activity based on appropriate grade level achievement, commensurate with the school grading periods of the public high school; and

(C) meet all standards and requirements applicable to a student participating in the interscholastic athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, transportation arrangements, and any transfer rules of the association, but excluding any requirements that the student be enrolled in or attend the public school.

SECTION 2. IC 20-26-14-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9. A nonaccredited nonpublic school student who provides false information, documentation, or verification of the student's qualifications for the purpose of meeting eligibility requirements to participate in interscholastic athletic activities is ineligible to participate in interscholastic athletic activities in accordance with policies of the association and may be subject to penalties as provided by the association.**

SECTION 3. IC 20-26-14-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 10. If the association finds that a public or accredited nonpublic school has knowledge of any false representation, documentation, or verification of a nonaccredited nonpublic school student's qualifications that was made for the purpose of meeting eligibility requirements to participate in interscholastic athletic activities, and the school does not declare the student ineligible for participation, the school is subject to penalties established by the association."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 93 as reprinted February 16, 2011.)

BEHNING, Chair

Committee Vote: yeas 9, nays 1.

ES 93—LS 6493/DI 71+

C  
o  
p  
y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 42.

Page 3, delete lines 1 through 10.

Re-number all SECTIONS consecutively.

(Reference is to ESB 93 as printed April 8, 2011.)

THOMPSON

**C  
o  
p  
y**

