



February 15, 2013

## SENATE BILL No. 372

DIGEST OF SB 372 (Updated February 13, 2013 3:21 pm - DI 104)

**Citations Affected:** IC 16-19; IC 20-34; IC 34-30; noncode.

**Synopsis:** Youth athletic concussions. Defines "athlete" for purposes of the education law concerning concussions and head injuries as a person less than 19 years of age who engages in an athletic activity. (Currently that law pertains only to student athletes.) Requires the state department of health to post on the state department's website guidelines created by the department of education concerning the protection of athletes from the effects of concussions incurred at athletic activities. Requires the department of education, before December 1, 2013, to develop guidelines for the protection of athletes from the effects of concussions incurred at athletic activities taking place on school property. Beginning April 1, 2014, requires football coaches and assistant football coaches to annually complete a course concerning concussions. Establishes the coaching education issues study committee during the 2013 legislative interim and sets forth the committee's duties. Makes conforming changes.

**Effective:** Upon passage; July 1, 2013.

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**Holdman, Young R**

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January 8, 2013, read first time and referred to Committee on Health and Provider Services.  
February 14, 2013, amended, reported favorably — Do Pass.

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SB 372—LS 6860/DI 14+



February 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 372

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

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

- 1 SECTION 1. IC 16-19-3-6.7 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 6.7. (a) As used in this section, "athlete" has the  
4 meaning set forth in IC 20-34-7-1.**  
5 **(b) As used in this section, "athletic activity" has the meaning  
6 set forth in IC 20-34-7-1.**  
7 **(c) As used in this section, "coach" has the meaning set forth in  
8 IC 20-34-7-1.**  
9 **(d) As used in this section, "organizing entity" means any:**  
10 **(1) parks and recreation department;**  
11 **(2) municipal agency;**  
12 **(3) nonprofit entity; or**  
13 **(4) for-profit entity;**  
14 **that organizes athletic activities.**  
15 **(e) Not later than December 1, 2013, the state department shall**  
16 **post on the state department's Internet website guidelines created**  
17 **by the department of education concerning the protection of**

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1 athletes from the effects of concussions that might be incurred at  
2 athletic activities that are sponsored by an organizing entity and  
3 take place on public property other than school property, including  
4 property controlled by any:

- 5 (1) parks and recreation department;
- 6 (2) municipal agency;
- 7 (3) nonprofit entity; or
- 8 (4) for-profit entity;

9 that organizes or sponsors an athletic activity or permits use of the  
10 entity's facilities for an athletic activity.

11 (f) The state department shall use the guidelines created by the  
12 department of education under IC 20-34-7-2 to carry out the  
13 provisions of this section.

14 SECTION 2. IC 20-34-7-1, AS ADDED BY P.L.144-2011,  
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2013]: Sec. 1. (a) As used in this chapter, "association" has  
17 the meaning set forth in IC 20-26-14-1.

18 (b) As used in this chapter, "athlete" means a person who  
19 engages in athletic activity and who is less than nineteen (19) years  
20 of age.

21 (c) As used in this chapter, "athletic activity" means an  
22 organized athletic program or event involving physical exertion,  
23 including practice and competition.

24 (d) As used in this chapter, "coach" means any individual  
25 providing instruction to athletes participating in an athletic  
26 activity, whether the individual is a volunteer, independent  
27 contractor, or employee.

28 (e) As used in this chapter, "organizing entity" means any  
29 school that organizes or sponsors an athletic activity or any  
30 nonprofit or for-profit entity that uses school property for an  
31 athletic activity.

32 SECTION 3. IC 20-34-7-2, AS ADDED BY P.L.144-2011,  
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2013]: Sec. 2. (a) Before July 1, 2012, December 1, 2013, the  
35 department shall disseminate publish, for dissemination to each  
36 school corporation and make available to all other organizing  
37 entities, guidelines, information sheets, and forms to each school  
38 corporation for distribution to a school to inform and educate coaches,  
39 student athletes, and parents of student athletes of the nature and risk  
40 of concussion and head injury to student athletes, including the risks of  
41 continuing to play after concussion or head injury.

42 (b) The department:

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- 1 (1) may consult with the association, medical professionals, and
- 2 others with expertise in diagnosing and treating concussions and
- 3 head injuries; and
- 4 (2) may request the assistance of the association in disseminating
- 5 the guidelines, information sheets, and forms required under
- 6 subsection (a).

7 (c) The department may disseminate **and otherwise make available**  
 8 the materials required under this section in an electronic format.

9 SECTION 4. IC 20-34-7-3, AS ADDED BY P.L.144-2011,  
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2013]: Sec. 3. Each year, before beginning practice for an  
 12 interscholastic or intramural sport, a **athletic activity, an high school**  
 13 ~~student~~ athlete and the ~~student~~ athlete's parent:

- 14 (1) must be given the information sheet and form described in
- 15 section 2 of this chapter; and
- 16 (2) shall sign and return the form acknowledging the receipt of the
- 17 information to the ~~student athlete's coach.~~ **organizing entity.**

18 The **coach organizing entity** shall maintain a file of the completed  
 19 forms.

20 SECTION 5. IC 20-34-7-4, AS ADDED BY P.L.144-2011,  
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2013]: Sec. 4. ~~A high school student~~ **An** athlete who is  
 23 suspected of sustaining a concussion or head injury: ~~in a practice or~~  
 24 ~~game:~~

- 25 (1) shall be removed from play at the time of the injury; and
- 26 (2) may not return to play until the ~~student~~ athlete has received a
- 27 written clearance under section 5(a) of this chapter.

28 SECTION 6. IC 20-34-7-5, AS ADDED BY P.L.144-2011,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2013]: Sec. 5. (a) ~~A high school student~~ **An** athlete who has  
 31 been removed from play under section 4 of this chapter may not return  
 32 to play until the ~~student~~ athlete:

- 33 (1) is evaluated by a licensed health care provider trained in the
- 34 evaluation and management of concussions and head injuries; and
- 35 (2) receives a written clearance to return to play from the health
- 36 care provider who evaluated the ~~student~~ athlete.

37 (b) A licensed health care provider who evaluates a ~~student an~~ **an**  
 38 athlete under subsection (a) may conduct the evaluation as a volunteer.  
 39 A volunteer health care provider who in good faith and gratuitously  
 40 authorizes a ~~student an~~ **an** athlete to return to play is not liable for civil  
 41 damages resulting from an act or omission in the rendering of an  
 42 evaluation, except for acts or omissions that constitute gross negligence

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1 or willful or wanton misconduct.

2 SECTION 7. IC 20-34-7-6 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2013]: **Sec. 6. (a) Beginning April 1, 2014, each year, prior to**  
5 **coaching football, each head football coach and assistant football**  
6 **coach shall complete a certified coaching education course that:**

- 7 (1) is sport-specific;  
8 (2) is accredited by an independent third party;  
9 (3) contains player safety content, including content on:  
10 (A) concussion awareness;  
11 (B) equipment fitting;  
12 (C) heat emergency preparedness; and  
13 (D) proper technique;  
14 (4) requires coaches to complete a test demonstrating  
15 comprehension of the content of the course; and  
16 (5) awards a certificate of completion to coaches who  
17 successfully complete the course.

18 (b) For a coach's completion of a course to satisfy the  
19 requirement imposed by subsection (a), the course must have been  
20 approved by the department.

21 (c) An organizing entity shall maintain a file of certificates of  
22 completion awarded under subsection (a)(5) to head coaches and  
23 assistant coaches of teams that use the organizing entity's facilities  
24 for their athletic activities.

25 (d) A volunteer coach who complies with subsection (a) and  
26 provides coaching services in good faith is not liable for damages  
27 in a civil action as a result of a concussion or head injury incurred  
28 by an athlete participating in an athletic activity in which the coach  
29 provided coaching services, except for an act or omission by the  
30 volunteer coach that constitutes gross negligence or willful or  
31 wanton misconduct.

32 SECTION 8. IC 34-30-2-85.6 IS ADDED TO THE INDIANA  
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2013]: **Sec. 85.6. IC 20-34-7-6 (Concerning**  
35 **volunteer coaches).**

36 SECTION 9. IC 34-30-2-85.7, AS ADDED BY P.L.144-2011,  
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2013]: **Sec. 85.7. IC 20-34-7-5 (Concerning a licensed health**  
39 **care provider who provides voluntary evaluations of concussions and**  
40 **head injuries for student athletes).**

41 SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) As used in this**  
42 **SECTION, "committee" refers to the coaching education issues**

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1 study committee established under subsection (b).  
2 (b) The legislative council shall, under IC 2-5-1.1-5(a)(2),  
3 establish an interim study committee to be known as the coaching  
4 education issues study committee. The committee shall do the  
5 following:  
6 (1) Study the feasibility of requiring all athletic activities, in  
7 addition to football, to meet the coaching education standards  
8 concerning athlete concussions established for football in  
9 IC 20-34-7-6, as added by this act, as soon as April 1, 2015.  
10 (2) Study any additional topics the legislative council  
11 considers necessary.  
12 (c) The committee shall operate under the policies governing  
13 study committees adopted by the legislative council. The committee  
14 shall submit a final report to the legislative council and the  
15 governor.  
16 (d) This SECTION expires December 31, 2013.  
17 SECTION 11. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 372, 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 16, delete "adopt" and insert "**post on the state department's Internet website**".

Page 1, line 16, after "guidelines" insert "**created by the department of education**".

Page 2, delete lines 10 through 13.

Page 2, line 14, delete "(g)" and insert "**(f)**".

Page 2, line 32, delete "permits use" and insert "**any nonprofit or for-profit entity that uses school property**".

Page 2, line 33, delete "of the entity's facilities".

Page 3, line 13, reset in roman "Each".

Page 3, line 13, delete "Beginning April 1, 2014, each".

Page 4, line 8, delete "an athletic activity for athletes," and insert "**football,**".

Page 4, line 8, after "head" insert "**football**".

Page 4, line 9, after "assistant" insert "**football**".

Page 4, delete lines 22 through 23.

Page 4, line 29, delete "primarily".

Page 5, after line 4, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the coaching education issues study committee established under subsection (b).**

**(b) The legislative council shall, under IC 2-5-1.1-5(a)(2), establish an interim study committee to be known as the coaching education issues study committee. The committee shall do the following:**

**(1) Study the feasibility of requiring all athletic activities, in addition to football, to meet the coaching education standards concerning athlete concussions established for football in IC 20-34-7-6, as added by this act, as soon as April 1, 2015.**

**(2) Study any additional topics the legislative council considers necessary.**

**(c) The committee shall operate under the policies governing study committees adopted by the legislative council. The committee shall submit a final report to the legislative council and the governor.**

**(d) This SECTION expires December 31, 2013.**

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**SECTION 11. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 372 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 0.

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