



State of Wisconsin
2011 - 2012 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 2,
TO 2011 SENATE BILL 243**

March 7, 2012 – Offered by Senator GALLOWAY.

1 **AN ACT** *to amend* 119.04 (1); and *to create* 118.293 of the statutes; **relating to:**
2 concussions sustained in youth athletic activities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 118.293 of the statutes is created to read:

4 **118.293 Concussions. (1)** In this section, “youth athletic activity” means an
5 organized athletic activity sponsored by a public or private school in which pupils are
6 engaged in an athletic game or competition against another team, or in practice or
7 preparation for an athletic game or competition against another team.

8 **(2)** The department shall do all of the following:

9 (a) Develop guidelines and other information for the purpose of educating
10 athletic coaches and pupil athletes and their parents or guardians about the nature
11 and risk of concussion in youth athletic activities and make it available to public and
12 private schools.

1 (b) Develop a model school policy that addresses concussions sustained in
2 youth athletic activities for use by school districts and private schools. The policy
3 shall do all of the following:

4 1. Address the circumstances in which a participant in a youth athletic activity
5 who is suspected of suffering a concussion should be removed from the youth athletic
6 activity and the circumstances in which a participant so removed may return to
7 participate in a youth athletic activity.

8 2. Prohibit a participant who has been removed from a youth athletic activity
9 because he or she was suspected of suffering a concussion from returning to
10 participate in a youth athletic activity unless he or she receives written clearance to
11 do so from a physician and written approval from his or her parent of guardian.

12 (3) Each school board and the governing body of each private school shall adopt
13 a concussion policy for the school district or private school. The school board or
14 governing body may adopt the model policy developed by the department under sub.
15 (2) (b). Any policy adopted under this subsection shall include the prohibition
16 specified in sub. (2) (b) 2.

17 (4) A public or private school employee or volunteer is immune from civil
18 liability for a concussion sustained by a participant in a youth athletic activity if the
19 employee or volunteer complied with the policy adopted by the school board or
20 private school governing body under sub. (3).

21 (5) This section does not create any liability for, or a cause of action against,
22 any person.

23 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85, is
24 amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,
4 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
5 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24
6 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292,
7 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15)
8 to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),
9 (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school
10 district and board.

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(END)