



February 29, 2016

ENGROSSED
SENATE BILL No. 234

DIGEST OF SB 234 (Updated February 29, 2016 11:58 am - DI 116)

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

Synopsis: Education of coaches of student athletes. Provides that, beginning July 1, 2017, the completion of a certified player safety education course: (1) is required for a head coach or assistant coach of an interscholastic sport; (2) is optional for a head coach or assistant coach of an intramural sport. Provides that the course must be approved by the department, in consultation with a licensed healthcare provider who has expertise in the area of concussions and brain injuries. Provides civil immunity for coaches of student athletes who comply with the training and who provide coaching services in good faith from damages as a result of a concussion or head injury incurred by a student athlete.

Effective: July 1, 2016.

Lanane, Grooms, Ford,
Randolph Lonnie M

(HOUSE SPONSORS — BEHNING, ERRINGTON, SMITH V)

January 7, 2016, read first time and referred to Committee on Family & Children Services.
January 25, 2016, amended, reported favorably — Do Pass.
January 28, 2016, read second time, ordered engrossed. Engrossed.
February 1, 2016, read third time, passed. Yeas 41, nays 9.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Education.
February 29, 2016, amended, reported — Do Pass.

ES 234—LS 6264/DI 110



February 29, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 234

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 20-34-7-1.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 1.6. As used in this chapter, "school" refers to a**
4 **public school and an accredited nonpublic school.**
5 SECTION 2. IC 20-34-7-1.7 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2016]: **Sec. 1.7. As used in this chapter, "student athlete" means**
8 **any student who:**
9 (1) **attends a school;**
10 (2) **is in grade 5, 6, 7, 8, 9, 10, 11, or 12; and**
11 (3) **participates in any interscholastic or intramural sport,**
12 **including cheerleading.**
13 SECTION 3. IC 20-34-7-3, AS ADDED BY P.L.144-2011,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2016]: **Sec. 3. Each year, before beginning practice for an**
16 **interscholastic or intramural sport, a ~~high school~~ student athlete and the**
17 **student athlete's parent:**

ES 234—LS 6264/DI 110



- 1 (1) must be given the information sheet and form described in
 2 section 2 of this chapter; and
 3 (2) shall sign and return the form acknowledging the receipt of the
 4 information to the student athlete's coach.

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

6 SECTION 4. IC 20-34-7-4, AS ADDED BY P.L.144-2011,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2016]: Sec. 4. A ~~high school~~ student athlete who is suspected
 9 of sustaining a concussion or head injury in a practice or game:

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

13 SECTION 5. IC 20-34-7-5, AS AMENDED BY P.L.34-2014,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2016]: Sec. 5. (a) A ~~high school~~ student athlete who has been
 16 removed from play under section 4 of this chapter may not return to
 17 play until:

- 18 (1) the student athlete:
 19 (A) is evaluated by a licensed health care provider trained in
 20 the evaluation and management of concussions and head
 21 injuries; and
 22 (B) receives a written clearance to return to play from the
 23 health care provider who evaluated the student athlete; and
 24 (2) not less than twenty-four (24) hours have passed since the
 25 student athlete was removed from play.

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

33 SECTION 6. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2016]: **Sec. 7. (a) This section applies:**

- 36 **(1) after June 30, 2017; and**
 37 **(2) to a head coach or assistant coach:**
 38 **(A) of any interscholastic sport; or**
 39 **(B) of any intramural sport who elects to comply with this**
 40 **section;**
 41 **that is not subject to section 6 of this chapter.**
 42 **(b) Before coaching a student athlete in any sport, a head coach**



1 and every assistant coach described in subsection (a) must
 2 complete a certified coaching education course that:

- 3 (1) contains player safety content on concussion awareness;
 4 (2) requires a head coach or an assistant coach to complete a
 5 test demonstrating comprehension of the content of the
 6 course; and
 7 (3) awards a certificate of completion to a head coach or an
 8 assistant coach who successfully completes the course.

9 (c) A course described in subsection (b) must be approved by the
 10 department, in consultation with a licensed healthcare provider
 11 who has expertise in the area of concussions and brain injuries.

12 (d) A head coach and every assistant coach described in
 13 subsection (a) must complete a course described in subsection (b)
 14 at least once each two (2) year period. If a head coach or an
 15 assistant coach receives notice from the school that new
 16 information has been added to the course before the end of the two
 17 (2) year period, the head coach or the assistant coach shall:

- 18 (1) complete instruction; and
 19 (2) successfully complete a test;

20 concerning the new information to satisfy subsection (b).

21 (e) Each school shall maintain all certificates of completion
 22 awarded under subsection (b)(3) to each of the school's head
 23 coaches and assistant coaches.

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

32 SECTION 7. IC 34-30-2-85.9, AS ADDED BY P.L.34-2014,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2016]: Sec. 85.9. IC 20-34-7-6 and IC 20-34-7-7 (Concerning
 35 coaches and assistant coaches).



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 234, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-34-7-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.6. As used in this chapter, "school" refers to a public school and an accredited nonpublic school.**"

Page 2, delete lines 29 through 42.

Page 3, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 6. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) After June 30, 2017, before coaching a student athlete in any sport, a head coach and every assistant coach shall complete a certified coaching education course that:**

- (1) contains player safety content on concussion awareness;**
- (2) requires a head coach or an assistant coach to complete a test demonstrating comprehension of the content of the course; and**
- (3) awards a certificate of completion to a head coach or an assistant coach who successfully completes the course.**

(b) A course described in subsection (a) must be approved by the department, in consultation with a physician licensed under IC 25-22.5 who has expertise in the area of concussions and brain injuries.

(c) A head coach and every assistant coach shall complete a course described in subsection (a) at least once each two (2) year period. If a head coach or an assistant coach receives notice from the school that new information has been added to the course before the end of the two (2) year period, the head coach or the assistant coach shall:

- (1) complete instruction; and**
- (2) successfully complete a test;**

concerning the new information to satisfy subsection (a).

(d) Each school shall maintain all certificates of completion awarded under subsection (a)(3) to each of the school's head coaches and assistant coaches.

ES 234—LS 6264/DI 110



(e) A head coach or an assistant coach who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by a student athlete participating in an athletic activity for which the head coach or the assistant coach provided coaching services, except for an act or omission by the head coach or the assistant coach that constitutes gross negligence or willful or wanton misconduct."

Page 3, line 29, after "IC 20-34-7-6" insert "**and IC 20-34-7-7**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 234 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 6, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 234, 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 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 6. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) This section applies:**

- (1) after June 30, 2017; and**
- (2) to a head coach or assistant coach:**
 - (A) of any interscholastic sport; or**
 - (B) of any intramural sport who elects to comply with this section;**

that is not subject to section 6 of this chapter.

(b) Before coaching a student athlete in any sport, a head coach and every assistant coach described in subsection (a) must complete a certified coaching education course that:

- (1) contains player safety content on concussion awareness;**
- (2) requires a head coach or an assistant coach to complete a test demonstrating comprehension of the content of the course; and**

ES 234—LS 6264/DI 110



(3) awards a certificate of completion to a head coach or an assistant coach who successfully completes the course.

(c) A course described in subsection (b) must be approved by the department, in consultation with a licensed healthcare provider who has expertise in the area of concussions and brain injuries.

(d) A head coach and every assistant coach described in subsection (a) must complete a course described in subsection (b) at least once each two (2) year period. If a head coach or an assistant coach receives notice from the school that new information has been added to the course before the end of the two (2) year period, the head coach or the assistant coach shall:

(1) complete instruction; and

(2) successfully complete a test;

concerning the new information to satisfy subsection (b).

(e) Each school shall maintain all certificates of completion awarded under subsection (b)(3) to each of the school's head coaches and assistant coaches.

(f) A head coach or an assistant coach described in subsection (a) who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by a student athlete participating in an athletic activity for which the head coach or the assistant coach provided coaching services, except for an act or omission by the head coach or the assistant coach that constitutes gross negligence or willful or wanton misconduct."

Page 3, delete lines 1 through 25.

and when so amended that said bill do pass.

(Reference is to SB 234 as printed January 26, 2016.)

BEHNING

Committee Vote: yeas 11, nays 0.

