

By: Telford

H.B. No. 3356

A BILL TO BE ENTITLED

AN ACT

relating to safety regulations for extracurricular school athletic activities and civil consequences arising from noncompliance with those regulations; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 33, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SAFETY REGULATIONS FOR EXTRACURRICULAR ATHLETIC ACTIVITIES

Sec. 33.101. APPLICABILITY. This subchapter applies to each public or private school in this state, including an open-enrollment charter school and a parochial school.

Sec. 33.102. SAFETY TRAINING COURSE REQUIRED. (a) The commissioner by rule shall develop and adopt a safety training course as provided by this section.

(b) The following persons must satisfactorily complete the safety training course each school year:

(1) a coach, trainer, sponsor, or athletic director for an extracurricular athletic activity;

(2) a physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity; and

(3) a student participating in an extracurricular athletic activity.

1       (c) The safety training course must include:

2               (1) certification of participants by the American Red  
3 Cross, the American Heart Association, or a similar organization,  
4 as determined by the commissioner;

5               (2) training in:

6                       (A) emergency action planning;

7                       (B) cardiopulmonary resuscitation if the person  
8 is not required to obtain certification under Section 33.086;

9                       (C) communicating effectively with 9-1-1  
10 emergency service operators and other emergency personnel; and

11                       (D) recognizing symptoms of potentially  
12 catastrophic injuries, including head and neck injuries, asthma  
13 attacks, heat stroke, and cardiac arrest; and

14               (3) at least twice each school year, a safety drill  
15 that incorporates the training described by Subdivision (2) and  
16 simulates various injuries related to athletic activities.

17       (d) The safety training course may be conducted by a school  
18 or school district or by an organization described by Subsection  
19 (c)(1).

20       Sec. 33.103. PHYSICAL EXAMINATION REQUIRED. (a) A student  
21 may not participate in the extracurricular athletic activity of  
22 football, soccer, baseball, basketball, lacrosse, or softball, or  
23 another activity specified by the school in which the student is  
24 enrolled, unless the student, before the first competition of the  
25 athletic activity's season, provides to the school a certificate  
26 from a physician who has performed a physical examination designed  
27 to determine the student's readiness to participate in the athletic

1 activity. The examination must include:

2 (1) a blood test to determine whether the student  
3 carries the apolipoprotein E-4 gene; and

4 (2) a heart screening to determine whether the student  
5 has a life-threatening congenital heart defect.

6 (b) If a blood test conducted under Subsection (a)(1) is  
7 positive, the student's school shall provide written notice to the  
8 student's parent or legal guardian of the increased risk of brain  
9 injury and poor injury recovery related to the presence of the gene.

10 Sec. 33.104. COMPLIANCE; CIVIL REMEDIES AND CRIMINAL  
11 PENALTIES. (a) A school shall make available to the public proof of  
12 compliance for each person enrolled in, employed by, or  
13 volunteering for the school who is required to complete the safety  
14 training course described by Section 33.102.

15 (b) A school that offers an extracurricular athletic  
16 activity is subject to inspection by the agency or a local fire  
17 department for the purpose of determining compliance with Section  
18 33.102 or 33.103.

19 (c) A school that is determined by the agency or a local fire  
20 department to be in noncompliance with Section 33.102 or 33.103  
21 shall discontinue all extracurricular athletic activities offered  
22 by the school, including all practices and competitions, until the  
23 school is determined to be in compliance by the agency or a local  
24 fire department.

25 (d) A school official responsible for compliance under  
26 Section 33.102 or 33.103 commits an offense if a student enrolled at  
27 the school is killed or permanently injured as a result of injuries

1 sustained while participating in an extracurricular athletic  
2 activity during a period of noncompliance, as determined by the  
3 agency or a local fire department under this section. An offense  
4 under this subsection is a felony punishable by:

5 (1) confinement for not less than 180 days and not more  
6 than 10 years;

7 (2) a fine of not less than \$400 and not more than  
8 \$25,000; or

9 (3) both the confinement and the fine.

10 (e) If a school in a school district does not comply with  
11 Section 33.102 or 33.103, the school district waives sovereign  
12 immunity to a suit arising from the noncompliance.

13 Sec. 33.105. TELEPHONE HOTLINE. (a) The agency shall  
14 maintain a toll-free telephone number to allow a person to report a  
15 violation of this subchapter.

16 (b) Each school that offers an extracurricular athletic  
17 activity shall prominently display the telephone number at the  
18 administrative offices of the school.

19 Sec. 33.106. NOTICE REQUIRED ON CERTAIN PREMISES. A school  
20 that offers an extracurricular athletic activity shall prominently  
21 display at the administrative offices of the school a sign  
22 containing the text of Sections 33.102, 33.103, and 33.104.

23 SECTION 2. This Act takes effect September 1, 2003, and  
24 applies beginning with the 2004-2005 school year.