

1-1 By: Van de Putte S.B. No. 82
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on Education;
1-4 March 5, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 5, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 82 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to safety regulations for certain public school
1-11 extracurricular activities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 33, Education Code, is amended by adding
1-14 Subchapter F to read as follows:

1-15 SUBCHAPTER F. SAFETY REGULATIONS FOR CERTAIN
1-16 EXTRACURRICULAR ACTIVITIES

1-17 Sec. 33.201. APPLICABILITY. This subchapter applies to
1-18 each public school in this state and to any other school in this
1-19 state subject to University Interscholastic League rules.

1-20 Sec. 33.202. SAFETY TRAINING REQUIRED. (a) The
1-21 commissioner by rule shall develop and adopt an extracurricular
1-22 activity safety training program as provided by this section. In
1-23 developing the program, the commissioner may use materials
1-24 available from the American Red Cross, Emergency Medical Systems
1-25 (EMS), or another appropriate entity.

1-26 (b) The following persons must satisfactorily complete the
1-27 safety training program:

1-28 (1) a coach, trainer, or sponsor for an
1-29 extracurricular athletic activity;

1-30 (2) except as provided by Subsection (f), a physician
1-31 who is employed by a school or school district or who volunteers to
1-32 assist with an extracurricular athletic activity; and

1-33 (3) a director responsible for a school marching band.

1-34 (c) The safety training program must include:

1-35 (1) certification of participants by the American Red
1-36 Cross, the American Heart Association, or a similar organization or
1-37 the University Interscholastic League, as determined by the
1-38 commissioner;

1-39 (2) current training in:

1-40 (A) emergency action planning;

1-41 (B) cardiopulmonary resuscitation if the person
1-42 is not required to obtain certification under Section 33.086;

1-43 (C) communicating effectively with 9-1-1
1-44 emergency service operators and other emergency personnel; and

1-45 (D) recognizing symptoms of potentially
1-46 catastrophic injuries, including head and neck injuries,
1-47 concussions, injuries related to second impact syndrome, asthma
1-48 attacks, heatstroke, cardiac arrest, and injuries requiring use of
1-49 a defibrillator; and

1-50 (3) at least once each school year, a safety drill that
1-51 incorporates the training described by Subdivision (2) and
1-52 simulates various injuries described by Subdivision (2)(D).

1-53 (d) A school district shall provide training to students
1-54 participating in an extracurricular athletic activity related to:

1-55 (1) recognizing the symptoms of injuries described by
1-56 Subsection (c)(2)(D); and

1-57 (2) the risks of using dietary supplements designed to
1-58 enhance or marketed as enhancing athletic performance.

1-59 (e) The safety training program and the training under
1-60 Subsection (d) may each be conducted by a school or school district
1-61 or by an organization described by Subsection (c)(1).

1-62 (f) A physician who is employed by a school or school
1-63 district or who volunteers to assist with an extracurricular

2-1 athletic activity is not required to complete the safety training
 2-2 program if the physician attends a continuing medical education
 2-3 course that specifically addresses emergency medicine.

2-4 Sec. 33.203. COMPLETION OF UNIVERSITY INTERSCHOLASTIC
 2-5 LEAGUE FORMS. (a) Each student participating in an
 2-6 extracurricular athletic activity must complete the University
 2-7 Interscholastic League forms entitled "Preparticipation Physical
 2-8 Evaluation--Medical History" and "Acknowledgment of Rules." Each
 2-9 form must be signed by both the student and the student's parent or
 2-10 guardian.

2-11 (b) Each form specified by Subsection (a) must clearly state
 2-12 that failure to accurately and truthfully answer all questions on a
 2-13 form required by statute or by the University Interscholastic
 2-14 League as a condition for participation in an extracurricular
 2-15 athletic activity subjects a signer of the form to penalties
 2-16 determined by the University Interscholastic League.

2-17 (c) The "Preparticipation Physical Evaluation--Medical
 2-18 History" form must contain the following statement:

2-19 "An individual answering in the affirmative to
 2-20 any question relating to a possible cardiovascular
 2-21 health issue, as identified on the form, should be
 2-22 restricted from further participation until the
 2-23 individual is examined and cleared by a physician,
 2-24 physician assistant, chiropractor, or nurse
 2-25 practitioner. Ultimately, the individual may need to
 2-26 be evaluated by a cardiologist and/or undergo cardiac
 2-27 testing (including an echocardiogram and/or other
 2-28 heart-related examination) based on the assessment by
 2-29 the primary care physician."

2-30 Sec. 33.204. CERTAIN UNSAFE ATHLETIC ACTIVITIES
 2-31 PROHIBITED. A coach, trainer, or sponsor for an extracurricular
 2-32 athletic activity may not encourage or permit a student
 2-33 participating in the activity to engage in any unreasonably
 2-34 dangerous athletic technique that unnecessarily endangers the
 2-35 health of a student, including using a helmet or any other sports
 2-36 equipment as a weapon.

2-37 Sec. 33.205. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) A
 2-38 coach, trainer, or sponsor for an extracurricular athletic activity
 2-39 shall at each athletic practice or competition ensure that:

2-40 (1) each student participating in the activity is
 2-41 adequately hydrated;

2-42 (2) any prescribed asthma medication for a student
 2-43 participating in the activity is readily available to the student;

2-44 (3) emergency lanes providing access to the practice
 2-45 or competition area are open and clear; and

2-46 (4) heatstroke prevention materials are readily
 2-47 available.

2-48 (b) If a student participating in an extracurricular
 2-49 athletic activity, including a practice or competition, becomes
 2-50 unconscious during the activity, the student may not:

2-51 (1) return to the practice or competition during which
 2-52 the student became unconscious; or

2-53 (2) participate in any extracurricular athletic
 2-54 activity until the student receives written authorization for such
 2-55 participation from a physician.

2-56 Sec. 33.206. COMPLIANCE; ENFORCEMENT. (a) On request, a
 2-57 school shall make available to the public proof of compliance for
 2-58 each person enrolled in, employed by, or volunteering for the
 2-59 school who is required to receive safety training described by
 2-60 Section 33.202.

2-61 (b) The superintendent of a school district or the director
 2-62 of a school subject to this subchapter shall maintain complete and
 2-63 accurate records of the district's or school's compliance with
 2-64 Section 33.202.

2-65 (c) A school campus that is determined by the school's
 2-66 superintendent or director to be out of compliance with Section
 2-67 33.202, 33.204, or 33.205 shall be subject to the range of penalties
 2-68 determined by the University Interscholastic League.

2-69 Sec. 33.207. CONTACT INFORMATION. (a) The commissioner

3-1 shall maintain an existing telephone number and an electronic mail
3-2 address to allow a person to report a violation of this subchapter.

3-3 (b) Each school that offers an extracurricular athletic
3-4 activity shall prominently display at the administrative offices of
3-5 the school the telephone number and electronic mail address
3-6 maintained under Subsection (a).

3-7 Sec. 33.208. NOTICE REQUIRED. (a) A school that offers an
3-8 extracurricular athletic activity shall provide to each student
3-9 participating in an extracurricular athletic activity and to the
3-10 student's parent or guardian a copy of the text of Sections
3-11 33.201-33.207 and a copy of the University Interscholastic League's
3-12 parent information manual.

3-13 (b) A document required to be provided under this section
3-14 may be provided in an electronic format unless otherwise requested
3-15 by a student, parent, or guardian.

3-16 Sec. 33.209. INCORPORATION OF SAFETY REGULATIONS. The
3-17 University Interscholastic League shall incorporate the provisions
3-18 of Sections 33.203-33.207 into the league's constitution and
3-19 contest rules.

3-20 Sec. 33.210. IMMUNITY FROM LIABILITY. Nothing in this
3-21 subchapter shall be considered to limit the immunity from liability
3-22 afforded under Section 22.0511. An action taken under this
3-23 subchapter is not considered to be a ministerial act for purposes of
3-24 Section 22.0511.

3-25 SECTION 2. Subchapter F, Chapter 33, Education Code, as
3-26 added by this Act, applies beginning with the 2008-2009 school
3-27 year.

3-28 SECTION 3. This Act takes effect immediately if it receives
3-29 a vote of two-thirds of all the members elected to each house, as
3-30 provided by Section 39, Article III, Texas Constitution. If this
3-31 Act does not receive the vote necessary for immediate effect, this
3-32 Act takes effect September 1, 2007.

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