

BILL ANALYSIS

C.S.H.B. 3476
By: Huberty
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the number of student athletes who have died from exercise-induced cardiac arrest and contend that an electrocardiogram or echocardiogram used to detect early signs of heart disease or disorders could help prevent these tragic deaths. C.S.H.B. 3476 seeks to provide for the early identification of an at-risk student and allow the student to take necessary precautions before participating in physical activities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the University Interscholastic League in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3476 amends the Education Code to require a public school district to require a district student who must receive a physical examination under University Interscholastic League (UIL) rule or policy before being allowed to participate in a UIL sponsored or sanctioned athletic activity to also have administered to the student an electrocardiogram or echocardiogram before being allowed to participate in the activity, including a practice for the activity, one time before the student's first year of participation at the ninth grade level or above and another time before the student's subsequent year of participation at the 11th grade level, if 11th grade is not the student's first year of participation. The bill expressly does not create a cause of action or liability against an appropriately licensed or certified health care professional, a school district, or a district officer or employee for the injury or death of a student participating in or practicing for a UIL sponsored or sanctioned athletic activity based on or in connection with the administration or evaluation of or reliance on an electrocardiogram or on an echocardiogram.

C.S.H.B. 3476 authorizes a district, to facilitate the administration of electrocardiograms or echocardiograms to students, to partner with a nonprofit entity to provide electrocardiograms or echocardiograms at the district's expense or to elect to pay for the costs of administering electrocardiograms or echocardiograms to students. The bill requires UIL to adopt rules as necessary to administer the bill's provisions. The bill requires the rules to include criteria under which a school district may demonstrate a hardship that allows the district to delay administering required electrocardiograms or echocardiograms to students and procedures that provide for granting a waiver from administration of an electrocardiogram or echocardiogram to a student if, for any reason, the parent or person standing in parental relation to the student submits a written request for the waiver. The bill applies beginning with the 2017-2018 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3476 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.095 to read as follows:

Sec. 33.095. CARDIAC ASSESSMENTS OF HIGH SCHOOL PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) A school district must require a district student who is required under University Interscholastic League rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the University Interscholastic League to also have administered to the student an electrocardiogram before being allowed to participate in the activity, including a practice for the activity, as follows:

- (1) one time before the student's first year of participation at the ninth grade level or above; and
- (2) another time before the student's third year of participation.

(b) This section does not create a cause of action or liability against an appropriately licensed or certified health care professional, a school district, or a district officer or employee for the injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the University Interscholastic League based on or in connection with the administration or evaluation of or reliance on an electrocardiogram or on an echocardiogram.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.095 to read as follows:

Sec. 33.095. CARDIAC ASSESSMENTS OF HIGH SCHOOL PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) A school district must require a district student who is required under University Interscholastic League rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the University Interscholastic League to also have administered to the student an electrocardiogram or echocardiogram before being allowed to participate in the activity, including a practice for the activity, as follows:

- (1) one time before the student's first year of participation at the ninth grade level or above; and
- (2) if 11th grade is not the student's first year of participation, another time before the student's subsequent year of participation at the 11th grade level.

(b) This section does not create a cause of action or liability against an appropriately licensed or certified health care professional, a school district, or a district officer or employee for the injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the University Interscholastic League based on or in connection with the administration or evaluation of or reliance on an electrocardiogram or on an echocardiogram.

(c) To facilitate the administration of electrocardiograms or echocardiograms to students, a school district may:

- (1) at the district's expense, partner with a nonprofit entity to provide electrocardiograms or echocardiograms; or

(c) The University Interscholastic League shall adopt rules as necessary to administer this section.

(d) The rules adopted under Subsection (c) must include:

(1) criteria under which a school district may demonstrate a hardship that allows the district to delay the required electrocardiograms to students under this section; and

(2) provisions that allow for granting a waiver from administration of an electrocardiogram under this section to a student if, for any reason, the parent of or a person standing in parental relation to the student submits a written request for the waiver.

SECTION 2. This Act applies beginning with the 2018-2019 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(2) elect to pay for the costs of administering electrocardiograms or echocardiograms to students.

(d) The University Interscholastic League shall adopt rules as necessary to administer this section.

(e) The rules adopted under Subsection (d) must include:

(1) criteria under which a school district may demonstrate a hardship that allows the district to delay administering required electrocardiograms or echocardiograms to students under this section; and

(2) procedures that provide for granting a waiver from administration of an electrocardiogram or echocardiogram to a student if, for any reason, the parent or person standing in parental relation to the student submits a written request for the waiver.

SECTION 2. This Act applies beginning with the 2017-2018 school year.

SECTION 3. Same as introduced version.