

BILL ANALYSIS

C.S.H.B. 76
By: Huberty
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding student-athletes who have died due to an unknown heart defect that could have been detected by a cardiac assessment. C.S.H.B. 76 seeks to address these concerns by requiring public school districts to provide certain information regarding cardiac assessments to high school students participating in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League and to provide notification of the option for the student to request the administration of an electrocardiogram.

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. 76 amends the Education Code to require a public school district to provide information about sudden cardiac arrest and electrocardiogram testing to a district student who is required under University Interscholastic League (UIL) rule or policy to receive a physical examination before being allowed to participate in a UIL sponsored or sanctioned athletic activity. The bill also requires the district to provide such a student notification of the option for the student to request the administration of an electrocardiogram, in addition to the physical examination. The bill authorizes a student to request an electrocardiogram from any appropriately licensed health care professional whose scope of practice includes the administration and review of electrocardiograms. The bill requires the UIL to adopt rules as necessary to administer the bill's provisions and requires the rules to include:

- criteria under which a district may request an exemption from the requirements to provide the information and notification to an applicable district student;
- variances that allow for a delay of the implementation of the notification requirement;
- procedures to ensure students receiving the required annual physical examination are notified of the option to receive an electrocardiogram; and
- provisions to ensure that the bill's requirements are minimum standards that provide a district with the option to implement a program that exceeds the bill's standards.

C.S.H.B. 76 expressly does not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against an appropriately licensed or certified health care professional, the UIL, a district, or a district officer or employee for the content or distribution of the required information, the failure to distribute the required

information, or 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. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 76 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions requiring a district to require an applicable student to have administered an electrocardiogram or echocardiogram before being allowed to participate in a UIL sponsored or sanctioned athletic activity. The substitute does not include provisions relating to rules that the UIL is required to adopt with regard to this requirement. The substitute does not include provisions relating to a district's authority to pay for the administration of an electrocardiogram or echocardiogram or to partner with a nonprofit entity for that purpose.

The substitute includes provisions requiring a district to provide to an applicable student certain information and notification of the option to request the administration of an electrocardiogram and authorizing a student to request such a test. The substitute includes provisions relating to rules that the UIL is required to adopt with regard to this requirement.

The substitute changes provisions specifying that the bill does not create certain causes of action or liability.