



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0258/1
KRP:klm

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 95**

October 29, 2021 – Offered by Representative WITKE.

1 **AN ACT** *to amend* 119.04 (1); and *to create* 118.2935 of the statutes; **relating**
2 **to:** information about sudden cardiac arrest during youth activities offered by
3 school boards, independent charter schools, and private schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.2935 of the statutes is created to read:

5 **118.2935 Sudden cardiac arrest. (1)** In this section:

6 (a) “Health care provider” means an individual to whom all of the following
7 apply:

8 1. The individual holds a license as an athletic trainer under subch. VI of ch.
9 448, a license as a physician or physician assistant under ch. 448, or a license as a
10 registered nurse under ch. 441.

11 2. The individual is trained and has experience in evaluating and managing
12 pediatric sudden cardiac arrest.

1 3. The individual is practicing within the scope of the individual's license.

2 (b) "Leader" means a coach, assistant coach, marching band director, or other
3 individual who leads a youth activity.

4 (c) "Parent" means a parent, guardian, or other person that has authority to
5 make medical decisions on behalf of a pupil.

6 (d) "Pupil" means a child who is 14 years of age or older.

7 (e) 1. "Youth activity" means an organized athletic or other activity in which
8 the participants, a majority of whom are under 19 years of age, are engaged in any
9 of the following:

10 a. An athletic practice, game, contest, or competition against another team,
11 club, or entity.

12 b. A cheerleading, pom, or dance activity sponsored by or associated with a
13 school athletic activity, including practice or other preparation.

14 c. A marching band activity, including practice or other preparation,
15 performance, or competition.

16 d. Any other extracurricular activity in which a pupil has an increased risk of
17 sudden cardiac arrest, as determined by the school board, operator of the charter
18 school under s. 118.40 (2r) or (2x), or governing body of the private school that offers
19 the activity in consultation with an organization that specializes in preventing
20 sudden cardiac arrest.

21 2. "Youth activity" does not include a college or university activity.

22 **(2)** Any individual who is a leader of a youth activity shall complete a training
23 course regarding sudden cardiac arrest that is approved by the school board,
24 operator of the charter school under s. 118.40 (2r) or (2x), or governing body of the
25 private school that offers the youth activity. The individual may not coach or lead

1 the youth activity until the individual completes the training course and submits a
2 certificate of completion to the school board, operator, or governing body. The school
3 board, operator, or governing body shall retain the certificate of completion for at
4 least 5 school years.

5 **(3)** The school board, operator of the charter school under s. 118.40 (2r) or (2x),
6 or governing body of the private school that offers a youth activity shall develop
7 guidelines and other relevant materials for the purpose of educating pupils and their
8 parents and leaders of the youth activity regarding sudden cardiac arrest. The school
9 board, operator, or governing body shall include in the guidelines and relevant
10 materials developed under this subsection at least all of the following:

11 (a) Information about warning signs and symptoms of sudden cardiac arrest
12 during youth activities, including fainting, seizures, difficulty breathing, chest
13 pains, dizziness, abnormal racing heart rate, and extreme fatigue.

14 (b) Information about risks associated with continuing to participate in a youth
15 activity after experiencing a warning sign or symptom of sudden cardiac arrest.

16 (c) Information about electrocardiogram testing, including the potential risks,
17 benefits, and evidentiary basis behind electrocardiogram testing.

18 **(4)** Before a youth activity begins for a school year, the school board, operator
19 of the independent charter school under s. 118.40 (2r) or (2x), or governing body of
20 the private school that offers the youth activity shall distribute the guidelines and
21 relevant materials developed under sub. (3) to each pupil who wants to participate
22 in that youth activity and the pupil's parent, along with a form that the pupil and
23 parent may use to complete the acknowledgement described under this subsection.
24 The pupil may not participate in the youth activity until the pupil returns the form
25 signed by the pupil and, if the pupil is under the age of 19, by the pupil's parent,

1 acknowledging receipt and review of the guidelines and relevant materials. The
2 school board, operator, or governing board shall collect the signed acknowledgement
3 form from the pupil and shall retain the form for at least one school year. The school
4 board, operator, or governing body may designate a leader of the youth activity to
5 collect and retain the signed forms.

6 (5) (a) If a leader of a youth activity, an official involved in the youth activity,
7 or a health care provider suspects that a pupil participating in the youth activity is
8 experiencing a symptom of sudden cardiac arrest, the leader, official, or health care
9 provider shall remove the pupil from the youth activity.

10 (b) A pupil who has been removed from a youth activity under par. (a) may not
11 participate in a youth activity until the school board, operator of the charter school
12 under s. 118.40 (2r) or (2x), or governing body of the private school that offers the
13 youth activity does all of the following:

14 1. Notifies the pupil's parent of the symptom the pupil is suspected to have
15 experienced.

16 2. Provides the pupil's parent a copy of the guidelines and relevant materials
17 developed under sub. (3).

18 3. Receives verbal or written permission from the pupil's parent for the pupil
19 to resume participating in the youth activity.

20 (c) If a pupil's parent provides verbal permission under par. (b) 3., the parent
21 shall provide written permission for the pupil to resume participating in the youth
22 activity no later than 24 hours after providing the verbal permission. If the school
23 board, operator of the charter school under s. 118.40 (2r) or (2x), or governing body
24 of the private school does not receive written permission within 24 hours, the pupil

1 may not participate in a youth activity until the school board, operator, or governing
2 body receives the written permission.

3 **(6)** A leader of a youth activity who acts or fails to act under sub. (5) is immune
4 from civil liability for any injury resulting from that act or omission unless the act
5 or omission constitutes gross negligence or willful or wanton misconduct.

6 **SECTION 2.** 119.04 (1) of the statutes is amended to read:

7 119.04 **(1)** Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c),
8 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
9 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445,
10 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125
11 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
12 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10),
13 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935, 118.30 to
14 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5),
15 and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35),
16 (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable
17 to a 1st class city school district and board but not, unless explicitly provided in this
18 chapter or in the terms of a contract, to the commissioner or to any school transferred
19 to an opportunity schools and partnership program.

20 **SECTION 3. Initial applicability.**

21 (1) The treatment of s. 118.2935 (4) first applies to a youth activity that begins
22 on the first day of the 4th month after the effective date of this subsection.

23

(END)