

Resolution: 2012-002 – Head Injuries

The Protection of Athletes with Head Injuries Act Changes

WHEREAS, valid concerns regarding head injuries from participation in sporting events prompted the Utah State Legislature to pass “The Protection of Athletes with Head Injuries Act” (H.B. 204) in the 2011 legislative session; and

WHEREAS, the definition in the Act of “amateur sports organizations” includes municipalities which operate recreation facilities; and

WHEREAS, the Act requires that amateur sports organizations adopt and enforce policies which address training of coaches, education of parents of athletes of minority age, the treatment of athletes with head injuries, and the return of athletes to play following a head injury; and

WHEREAS, current language in the Act imposes potential tort liability for head injuries on a municipality for merely making a recreation facility available for use, irrespective of whether a municipality has any sponsorship of, management of, or control over those operating the events occurring in or on such recreation facility; and

WHEREAS, current language in the Act imposes potential tort liability for head injuries on a municipality for the training of coaches and others managing a given sporting event irrespective of whether a municipality has direct or indirect involvement with the coaches and managers of a given sporting event; and

WHEREAS, such potential liability is causing municipalities to reconsider the extent to which they are willing to provide recreational facilities to residents and sports organizations; and

WHEREAS, member entities of the Utah League of Cities and Towns (the “League”) believe the responsibility for policies regarding training of coaches, education of parents of athletes of minority age, the treatment of athletes with head injuries, and the return of athletes to play following a head injury lies with parents of injured individuals and/or with those entities that sponsor and manage given sporting events, not with the owner of the facility at which or on which an event occurs, unless such owner is also the sponsor and/or manager of a given event; and

WHEREAS, the League believes the current language of the Act is a disincentive for municipalities to provide facilities for residents and sports organizations and has the potential to significantly minimize recreational opportunities for citizens of the State of Utah.

NOW THEREFORE LET IT BE RESOLVED by the Utah League of Cities and Towns that the language of the Act should be amended as described below:

1. The definitions and other language of the Act should be amended to place the responsibilities outlined in the Act on parents of athletes of minority age as well as the individuals and/or organizations that sponsor and manage sporting events, rather than on an entity who merely owns or operates a facility where a sporting event may occur.

2. The language of the Act should be amended to clarify that an amateur sports organization would only have responsibility to remove a minor participant from a sporting event when the amateur sports organization knew or should have known of a suspected concussion or traumatic head injury.