

BILL ANALYSIS

C.S.H.B. 767
By: Smith
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the traditional physical examination many students undergo before participating in an athletic activity sponsored or sanctioned by the University Interscholastic League is not sufficient for detecting the underlying cardiac abnormalities that can lead to sudden cardiac death. Studies show that sudden cardiac death is a leading cause of death in athletes and that a competitive athlete is at a higher risk for sudden cardiac death than a non-competitive athlete. C.S.H.B. 767 seeks to provide a method for identifying an athlete who is at risk for sudden cardiac death.

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. 767 amends the Education Code to require a school district to require 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 an athletic activity sponsored or sanctioned by the UIL to also have administered to the student an electrocardiogram before being allowed to participate in the activity, including a practice for the activity, one time before the student's first year of participation and another time before the student's third year of participation. The bill 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 UIL based on or in connection with the administration or evaluation of or reliance on an electrocardiogram or on any echocardiogram. The bill requires the UIL to adopt rules as necessary to administer the bill's provisions. The bill requires the rules to include a rule for granting a waiver from the administration of an electrocardiogram to a student in response to a written request from the parent of or a person standing in parental relation to the student claiming a financial or religious reason for the waiver. The bill applies beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 767 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 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; 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 any echocardiogram.

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

SECTION 2. This Act applies beginning with the 2015-2016 school year.

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 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; 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 any echocardiogram.

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

(d) The rules adopted under Subsection (c) must include a rule for granting a waiver from administration of an electrocardiogram under this section to a student in response to a written request from the parent of or person standing in parental relation to the student claiming a financial or religious reason for the waiver.

SECTION 2. Same as introduced version.

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, 2015.

SECTION 3. Same as introduced version.