BUSINESS REPORT

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

SENATE JUDICIARY COMMITTEE

Date: Friday, February 1, 2013 **Time:** 9:00 AM
Place: Capitol **Room:** 303

BILLS and RESOLUTIONS HEARD:

SB 112 - Establish youth concussion protection laws - Sen. Anders Blewett

EXECUTIVE ACTION TAKEN:

SB 150-Do Pass
SB 194-Do Pass
SB 186-Tabled

Comments:

SEN. Terry Murphy, Chair

MONTANA STATE SENATE
2013 JUDICIARY COMMITTEE
ROLL CALL

DATE: 2/1/13

NAME	PRESENT	ABSENT/ EXCUSED
CHAIRMAN, SENATOR TERRY MURPHY	—	
VICE CHAIRMAN, SENATOR SCOTT SALES	—	
SENATOR SHANNON AUGARE	—	
SENATOR ANDERS BLEWETT	—	
SENATOR SCOTT BOULANGER	—	
SENATOR JOHN BRENDEN		—
SENATOR ROBYN DRISCOLL	—	
SENATOR JENNIFER FIELDER	—	
SENATOR LARRY JENT		—
SENATOR CLIFF LARSEN	—	
SENATOR CHAS VINCENT	—	
SENATOR ART WITTICH	—	

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COMMITTEE FILE COPY

BILL TABLED NOTICE

SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED
SB 186 - Provide for a primary seat belt law - Sen. Bradley Hamlett
, by motion, on **Friday, February 1, 2013**.

(For the Committee)

(For the Secretary of the Senate)

11:30 2/1
(Time) (Date)

February 1, 2013 (11:13am) Pam Schindler, Secretary Phone: 406-444-4891

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 150** (first reading copy -- white) **do pass**.

Signed: _____
Senator Terry Murphy, Chair

- END -

Committee Vote:
Yes 11, No 1
Fiscal Note Required __

SB0150001SC.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 194** (first reading copy -- white) **do pass**.

Signed: Terry Murphy
Senator Terry Murphy, Chair

- END -

Committee Vote:
Yes 11, No 1
Fiscal Note Required __

SB0194001SC.swr

MONTANA STATE SENATE
ROLL CALL VOTE
2013 JUDICIARY COMMITTEE

DATE 2/1/13 BILL NO SB 150 MOTION NO. 1

MOTION: Dotans

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	—		
SENATOR JOHN BRENDEN	—		—
SENATOR JENNIFER FIELDER	—		
SENATOR CHAS VINCENT	—		
SENATOR SCOTT BOULANGER	—		
SENATOR ART WITTICH	—		
SENATOR SHANNON AUGARE		—	
SENATOR ANDERS BLEWETT	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR LARRY JENT	—		—
SENATOR CLIFF LARSEN	—		
CHAIRMAN, SENATOR TERRY MURPHY	—		

10/1

MONTANA STATE SENATE
ROLL CALL VOTE
2013 JUDICIARY COMMITTEE

DATE 2/14/13 BILL NO SB194 MOTION NO. 1

MOTION: DO Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	✓		
SENATOR JOHN BRENDEN	✓		✓
SENATOR JENNIFER FIELDER	✓		
SENATOR CHAS VINCENT	✓		
SENATOR SCOTT BOULANGER	✓		
SENATOR ART WITTICH	✓		
SENATOR SHANNON AUGARE		✓	
SENATOR ANDERS BLEWETT	✓		
SENATOR ROBYN DRISCOLL	✓		
SENATOR LARRY JENT	✓		✓
SENATOR CLIFF LARSEN	✓		
CHAIRMAN, SENATOR TERRY MURPHY	✓		

MONTANA STATE SENATE
ROLL CALL VOTE
2013 JUDICIARY COMMITTEE

DATE 2/1/13 **BILL NO** SB186 **MOTION NO.** 1

MOTION: Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	✓		
SENATOR JOHN BRENDEN	✓		✓
SENATOR JENNIFER FIELDER	✓		
SENATOR CHAS VINCENT	✓		
SENATOR SCOTT BOULANGER	✓		
SENATOR ART WITTICH	✓		
SENATOR SHANNON AUGARE	✓		
SENATOR ANDERS BLEWETT		✓	
SENATOR ROBYN DRISCOLL		✓	
SENATOR LARRY JENT		✓	✓
SENATOR CLIFF LARSEN		✓	
CHAIRMAN, SENATOR TERRY MURPHY	✓		

8/4

SENATE PROXY

I, Senator Larry Jent, hereby authorize Senator LARSEN to vote my proxy before the Senate JUDICIARY meeting held on 2/1/13, 2013.

Senator Signature (Sen. Larry Jent)

2/31/1
Date

Said authorization is as follows: *(mark only one)*

- ☑ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB-186		✓
SB--150	✓	
SB-154	✓	

TO TABLE

SENATE PROXY

I, Senator BRENDEN, hereby authorize Senator SALES to vote my proxy before the Senate JUDICIARY meeting held on _____, 2013.

John A. Brenden
Senator Signature (Sen. John Brenden)

2/1/13
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Friday, February 1, 2013
SB 112 - Establish youth concussion protection laws
Sponsor: **Senator Anders Blewett**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
JAMES WRIGHT, MD	Gov. TBI Advisory Council	X		
Lana Ostrowski	Gov. TBI Ad. Council, family	[illegible] ✓		
Kristen Magan	Brain Injury Alliance of MT	✓		
Julia Hammond	Gov. TBI Advisory Council, Survivor	✓		
Gordon Pierson Rep HD85	self	X		
Rachel Bindl	self	✓		
Francisco J. Romero	TBI Advisory Council	X		
James Driggers	DPHHS	X		
Cyndi Steigers	Self	X		
Lynne Gilfillan	~~Brain Injury Alliance~~	X		
[illegible]	SELF Steigers family	X		
Victoria Larson	Steigers family	X		
David Smith	MT Alliance of YMCAs	X		
Judie Tilman	695 Seymour Pl Rise River	X		
Chris Barry	self	X		
Tanner Barry	Self			
Joel Peden	MT Independent Living	X		
BOB VOGEL	MTSBA	X		
Ray Tilman	MAHA	X		
Elizabeth Thack	Montana Physical Therapy Assoc	X		
Anthony "Toby" Kinney	Montana Physical Therapy Assoc	X		
Patti Jo Lake	Montana P.T. Assoc.	X		
Mina Jameson	MT PT Assoc	X		
Sue Buswell	MT Assn School Nurses MT Nurses Assn	X		
Chuck Denowh	NFL	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Janelle Handlos	Montana Athletic Trainers' Assoc	support
Russell J. Richardson	NATIONAL ATHLETIC TRAINERS ASSN	Support
Kiely Kane	MMA	Support
Dennis Parma	OPJ	Support

MONTANA STATE SENATE

Visitors Register

2013 JUDICIARY COMMITTEE

Date 2/1/13

Bill No. SB-112 **Sponsor(s)** Senator Anders Blewett

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Tom Ebzery	Catholic Hospitals	X		
Patrick Hughes	MSU Billings	X		
JC Weida	Montana Athletic Trainers Association	X*		
MARK MEREDITH	MTATA, School Dist. 7	X		
Tom Beers	Self	X		
IAN R. Elliot	Billings Brain Injury Support Group Governors TBI Advisory Council	X		
Ben Phipps	self	X		
IAN Lilltyte	SELF	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

January 28, 2013

Dr. Wayne Martin

1100 Hollenback Ln

Deer Lodge, MT 59722

(406)-846-2212

Dear Senators,

I am writing to you today to encourage your support of SB 11. endum to include Physical Therapists to this bill.

In 2010 our community of Deer Lodge suffered a record number of concussions during our sports seasons and with no baseline or pretesting conducted I found myself in a very difficult position about returning these athletes back to sport. I consulted with Dr. Schaeffer, Neurologist in Missoula, and he advised me to research the Dylan Steigers Concussion Project for assistance. Given the great amount of research, time, and resources this group had already put into concussion research - Deer Lodge Medical Center decided to team up with this group and sponsored a concussion program for all of our local middle school and high school athletes, offering free baseline testing, as well as teacher, coach, parent, and athlete education. This program has brought much more awareness of concussions and the seriousness of attempting to play through this condition, as well as, allowed for safer return to participation of our area athletes. Without a program such as this, I am unsure how any health care professional is able to return an athlete to play safely.

One of the individuals who has been the back-bone of our concussion program is our Physical Therapist – Jenn Lorengo. She was the organizer of the concussion training for our entire medical staff (which was taught in part by a Physical Therapist – Jill Olsen). She also performed all the education sessions to teachers, parents, coaches, and athletes, and performed all baseline testing for over 80 athletes in our area. In addition, Jenn performs all post-testing for any concussed athlete and her assessment,

feedback, and expertise about return to play and athletes' abilities, helps assist me as to how and when to return an athlete to play. To say the least Jenn, a Physical Therapist, is is a vital and valued member of our very successful concussion program in Deer Lodge.

In addition to the concussion program, Deer Lodge Medical Center also provides healthcare professionals to assist with covering sideline and on field injuries for our local high school, this team is composed of MD, DO, PA, NP, EMT, and PTs. As with most rural areas our high school does not employ nor have access to an athletic trainer and often these health professionals are the only people evaluating on field and sideline injuries. Because of this I also think it is imperative to have licensed healthcare providers (with the addition of PTs) to Section 5 of this bill.

Again I not only ask for your support of SB 112 but also urge you to adopt the amendment of adding Physical Therapist to this bill. Having worked in rural America for the majority of my medical career – it is impossible to be an expert on every aspect of medical care. I lean on my fellow health care professionals to assist me in treating all types of conditions. Not adding Physical Therapist to the health care professional list would be a disservice to our entire athletic and youth population not to mention detrimental to concussion programs in rural areas.

Thank you for your time and consideration,

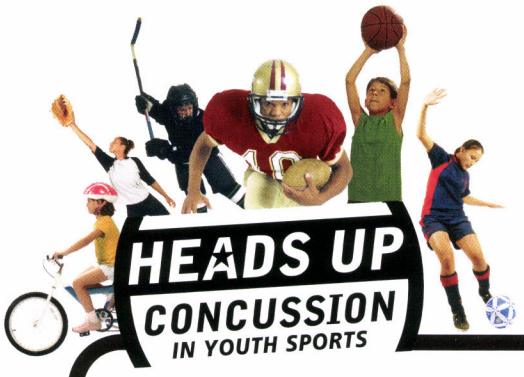
Dr. Wayne Martin, MD

Medical Director

Deer Lodge Medical Center

(406)846-2212

U.S. Department of Health and Human Services
Centers for Disease Control and Prevention



A Fact Sheet for **ATHLETES**

WHAT IS A CONCUSSION?

A concussion is a brain injury that:

- Is caused by a bump or blow to the head
- Can change the way your brain normally works
- Can occur during practices or games in any sport
- Can happen even if you haven't been knocked out
- Can be serious even if you've just been "dinged"

WHAT ARE THE SYMPTOMS OF A CONCUSSION?

- Headache or "pressure" in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Bothered by light
- Bothered by noise
- Feeling sluggish, hazy, foggy, or groggy
- Difficulty paying attention
- Memory problems
- Confusion
- Does not "feel right"

WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?

- **Tell your coaches and your parents.** Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.
- **Get a medical check up.** A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.
- **Give yourself time to get better.** If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

HOW CAN I PREVENT A CONCUSSION?

Every sport is different, but there are steps you can take to protect yourself.

- Follow your coach's rules for safety and the rules of the sport.
- Practice good sportsmanship at all times.
- Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:
  - > The right equipment for the game, position, or activity
  - > Worn correctly and fit well
  - > Used every time you play

July 2007

It's better to miss one game than the whole season.

For more information and to order additional materials **free-of-charge**, visit:
www.cdc.gov/ConcussionInYouthSports

For more detailed information on concussion and traumatic brain injury, visit:
www.cdc.gov/injury

DEPARTAMENTO DE SALUD Y SERVICIOS HUMANOS DE LOS ESTADOS UNIDOS
CENTROS PARA EL CONTROL Y LA PREVENCIÓN DE ENFERMEDADES

Hoja Informativa para los **ATLETAS**

¿QUÉ ES LA CONMOCIÓN CEREBRAL?

La conmoción cerebral es una lesión del cerebro que:

- Es causada por un golpe en la cabeza o una sacudida
- Puede cambiar el funcionamiento normal del cerebro
- Puede ocurrir en cualquier deporte durante las prácticas de entrenamiento o durante un juego
- Puede ocurrir aun cuando no se haya perdido el conocimiento
- Puede ser seria aun si se piensa que sólo se trata de un golpe leve

¿CUÁLES SON LOS SÍNTOMAS DE LA CONMOCIÓN CEREBRAL?

- Dolor o "presión" en la cabeza
- Náuseas (sentir que quieres vomitar)
- Problemas de equilibrio, mareo
- Visión doble o borrosa
- Molestia causada por la luz
- Molestia causada por el ruido
- Sentirse debilitado, confuso, aturdido o grogui
- Dificultad para concentrarse
- Problemas de memoria
- Confusión
- No "sentirse bien"

¿QUÉ DEBO HACER SI CREO QUE HE SUFRIDO UNA CONMOCIÓN CEREBRAL?

- **Dile a tus entrenadores y a tus padres.** Nunca ignores un golpe en la cabeza o una sacudida aun cuando te sientas bien. También dile al entrenador si crees que uno de tus compañeros de equipo sufrió una conmoción.
- **Ve al médico para que te examine.** Un médico u otro profesional de la salud podrá decirte si sufriste una conmoción cerebral y cuándo estarás listo para volver a jugar.
- **Tómate el tiempo suficiente para curarte.** Si sufriste una conmoción cerebral, tu cerebro necesitará tiempo para sanar. Es más probable que sufras una segunda conmoción mientras tu cerebro esté en proceso de curación. Las segundas conmociones y cualquier conmoción adicional pueden causar daños al cerebro. Por eso es importante que descanses hasta que un médico u otro profesional de la salud te permitan regresar al campo de juego.

¿CÓMO PUEDO PREVENIR UNA CONMOCIÓN CEREBRAL?

Aunque todo deporte es diferente, hay medidas que puedes tomar para protegerte.

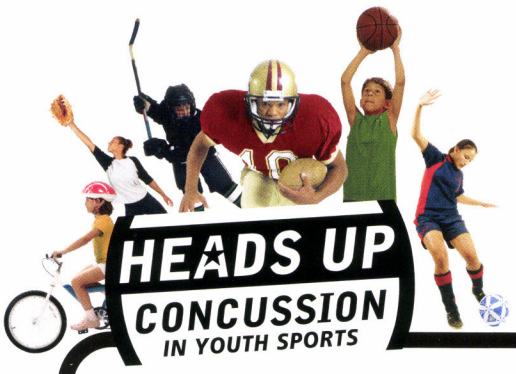
- Sigue las reglas de seguridad del entrenador y las reglas del deporte que practicas.
- Mantén el espíritu deportivo en todo momento.
- Utiliza los implementos deportivos adecuados, incluido el equipo de protección personal (como casco, almohadillas protectoras, canilleras, gafas y protector dental). Para que este equipo te proteja, debe:
  - > Ser adecuado para el deporte que practicas, tu posición en el juego y tipo de actividad
  - > Usarse correctamente y ajustarse bien a tu cuerpo
  - > Usarse en todo momento durante el juego

Es preferible perderse un juego que toda la temporada.

Julio de 2007
Versión en español aprobada por CDC Multilingual Services – Order # 4417

Para obtener más información o solicitar más materiales **de forma gratuita**, visite:
www.cdc.gov/ConcussionInYouthSports

Para obtener información más detallada sobre la conmoción cerebral y la lesión cerebral traumática, visite: **www.cdc.gov/injury**



U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

A Fact Sheet for **PARENTS**

WHAT IS A CONCUSSION?

A concussion is a brain injury. Concussions are caused by a bump or blow to the head. Even a "ding," "getting your bell rung," or what seems to be a mild bump or blow to the head can be serious.

You can't see a concussion. Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury. If your child reports any symptoms of concussion, or if you notice the symptoms yourself, seek medical attention right away.

WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?

Signs Observed by Parents or Guardians

If your child has experienced a bump or blow to the head during a game or practice, look for any of the following signs and symptoms of a concussion:

- Appears dazed or stunned
- Is confused about assignment or position
- Forgets an instruction
- Is unsure of game, score, or opponent
- Moves clumsily
- Answers questions slowly
- Loses consciousness (even briefly)
- Shows behavior or personality changes
- Can't recall events prior to hit or fall
- Can't recall events after hit or fall

Symptoms Reported by Athlete

- Headache or "pressure" in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Sensitivity to light
- Sensitivity to noise
- Feeling sluggish, hazy, foggy, or groggy
- Concentration or memory problems
- Confusion
- Does not "feel right"

HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?

Every sport is different, but there are steps your children can take to protect themselves from concussion.

- Ensure that they follow their coach's rules for safety and the rules of the sport.
- Encourage them to practice good sportsmanship at all times.
- Make sure they wear the right protective equipment for their activity (such as helmets, padding, shin guards, and eye and mouth guards). Protective equipment should fit properly, be well maintained, and be worn consistently and correctly.
- Learn the signs and symptoms of a concussion.

WHAT SHOULD YOU DO IF YOU THINK YOUR CHILD HAS A CONCUSSION?

1. **Seek medical attention right away.** A health care professional will be able to decide how serious the concussion is and when it is safe for your child to return to sports.

2. **Keep your child out of play.** Concussions take time to heal. Don't let your child return to play until a health care professional says it's OK. Children who return to play too soon—while the brain is still healing—risk a greater chance of having a second concussion. Second or later concussions can be very serious. They can cause permanent brain damage, affecting your child for a lifetime.

3. **Tell your child's coach about any recent concussion.** Coaches should know if your child had a recent concussion in ANY sport. Your child's coach may not know about a concussion your child received in another sport or activity unless you tell the coach.

July 2007

It's better to miss one game than the whole season.

For more information and to order additional materials **free-of-charge**, visit:
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For more detailed information on concussion and traumatic brain injury, visit:
www.cdc.gov/injury

DEPARTAMENTO DE SALUD Y SERVICIOS HUMANOS DE LOS ESTADOS UNIDOS
CENTROS PARA EL CONTROL Y LA PREVENCIÓN DE ENFERMEDADES

Hoja Informativa para los **PADRES**

¿QUÉ ES LA CONMOCIÓN CEREBRAL?

Una conmoción cerebral es una lesión en el cerebro, causada por un golpe en la cabeza o una sacudida. Incluso una pequeña conmoción o lo que parece ser un golpe o sacudida leve puede ser serio.

La conmoción cerebral no puede verse. Los signos y síntomas de una conmoción pueden aparecer inmediatamente después de la lesión o puede que no aparezcan, o se hagan visibles algunos días o meses después de haber sufrido la lesión. Si su hijo tiene los signos de una conmoción cerebral o si usted nota algún síntoma, busque atención médica de inmediato.

¿CUÁLES SON LOS SIGNOS Y SÍNTOMAS DE LA CONMOCIÓN CEREBRAL?

Signos que notan los padres y los tutores

Si su hijo ha sufrido un golpe en la cabeza o una sacudida durante un juego o una práctica, obsérvelo para determinar si tiene alguno de los siguientes signos y síntomas de una conmoción cerebral:

- Luce aturdido o fuera de control
- Se confunde con la actividad asignada
- Olvida las jugadas
- No se muestra seguro del juego, la puntuación ni de sus adversarios
- Se mueve con torpeza
- Responde con lentitud
- Pierde el conocimiento (así sea momentáneamente)
- Muestra cambios de conducta o de personalidad
- No puede recordar lo ocurrido antes de un lanzamiento o un caída
- No puede recordar lo ocurrido después de un lanzamiento o un caída

Síntomas que reporta el atleta

- Dolor o "presión" en la cabeza
- Náuseas o vómitos
- Problemas de equilibrio, mareo
- Visión doble o borrosa
- Sensibilidad a la luz y al ruido
- Se siente débil, confuso, aturdido o grogui
- Problemas de concentración o memoria
- Confusión
- No se "siente bien"

¿CÓMO AYUDAR A SU HIJO A PREVENIR UNA CONMOCIÓN CEREBRAL?

Aunque todo deporte es diferente, hay medidas que puede tomar para protegerse.

- Haga que siga las reglas impartidas por el entrenador y las reglas del deporte que practica.
- Invítelo a mantener el espíritu deportivo en todo momento.
- Haga que su hijo use el equipo protector adecuado según la actividad que realiza (como casco, almohadillas protectoras, canilleras o protector dental). El equipo de protección debe ajustarse bien, debe hacérsele el mantenimiento adecuado, y el jugador debe usarlo correctamente y en todo momento.
- Aprenda a identificar los signos y síntomas de la conmoción.

¿QUÉ DEBE HACER SI CREE QUE SU HIJO HA SUFRIDO UNA CONMOCIÓN CEREBRAL?

1. **Busque atención médica de inmediato.** Un profesional de la salud podrá determinar la seriedad de la conmoción cerebral que ha sufrido el niño y cuándo podrá regresar al juego sin riesgo alguno.

2. **No permita que su hijo siga jugando.** Las conmociones cerebrales necesitan de un cierto tiempo para curarse. No permita que su hijo regrese al juego hasta que un profesional de la salud le haya dicho que puede hacerlo. Los niños que regresan al juego antes de lo debido - mientras el cerebro está en proceso de curación - corren un mayor riesgo de sufrir otra conmoción. Las conmociones cerebrales siguientes pueden ser muy serias. Pueden causar daño cerebral permanente que afectarán al niño de por vida.

3. **Informe al entrenador del niño sobre cualquier conmoción cerebral que el niño haya sufrido recientemente.** Los entrenadores deben saber si el niño ha sufrido una conmoción recientemente en CUALQUIER deporte. El entrenador no necesariamente sabrá si el niño ha tenido una conmoción en otro deporte o actividad a menos que usted se lo diga.

Julio de 2007
Versión en español aprobada por CDC Multilingual Services – Order # 4421

Es preferible perderse un juego que toda la temporada.

Para obtener más información o solicitar más materiales **de forma gratuita**, visite:
www.cdc.gov/ConcussionInYouthSports

Para obtener información más detallada sobre la conmoción cerebral y la lesión cerebral traumática, visite: **www.cdc.gov/injury**