

BILL ANALYSIS

Senate Research Center
81R21556 JSC-D

S.B. 2505
By: Harris
State Affairs
4/18/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Rodeo is a large part of Texas tradition, and as such, many young Texans participate in rodeo activities across the state, both in rodeos sponsored by schools and those hosted by other organizations. However, rodeos can become dangerous competitions, as participants ride rough livestock much larger than themselves. As such, there is a high risk of injury for everyone participating in a rodeo event.

This bill seeks to protect our youth by requiring all minors under the age of 18 to wear a helmet approved by the Health and Human Services Commission when riding rough stock in a rodeo event, and for those riding bulls in a rodeo event to wear a helmet with a facemask approved by the Health and Human Services Commission, as well as a chest protector. The bill also requires those participating in a school sponsored rodeo to participate in an educational program before the rodeo event, which will cover the risks and dangers of participating in a rodeo, as well as the steps that should be taken to insure proper safety.

As proposed, S.B. 2505 amends current law relating to the safety of children who participate in rodeos.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 768.004, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 9, Health and Safety Code, by adding Chapter 768, as follows:

CHAPTER 768. CHILDREN PARTICIPATING IN RODEOS

Sec. 786.001. DEFINITIONS. Defines "bull riding helmet," "child," "department," "executive commissioner," "protective vest," "rodeo," and "rodeo helmet."

Sec. 768.002. PROTECTIVE GEAR REQUIRED FOR CHILDREN PARTICIPATING IN RODEO. (a) Prohibits a child from participating in a rodeo activity, other than bull riding, unless the child wears a rodeo helmet; or bull riding unless the child wears a bull riding helmet and a protective vest.

(b) Prohibits a parent or legal guardian of the child from knowingly or recklessly permitting the child to participate in a rodeo activity, other than bull riding, unless the child is wearing a rodeo helmet; or bull riding unless the child is wearing a bull riding helmet and a protective vest.

(c) Requires that a helmet or protective vest, to satisfy the requirements of this section, meet the standards adopted under Section 768.004.

(d) Provides that in a cause of action in which damages are sought for injuries or death suffered by a child in connection with a rodeo activity, including bull riding, the failure of the child or of the parent or legal guardian of the child to

comply with this chapter does not constitute responsibility causing or contributing to the cause of the child's injuries or death for the purposes of Chapter 33 (Proportionate Responsibility), Civil Practice and Remedies Code.

Sec. 768.003. RODEOS ASSOCIATED WITH SCHOOL. (a) Provides that this section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

(b) Requires a primary or secondary school to which this section applies, not more than 14 days before each rodeo associated with the school, to conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo. Authorizes the educational program to consist of an instructional video, subject to Department of State Health Services approval.

(c) Prohibits a child from participating in a rodeo associated with the child's school unless the child completes the educational program under this section not more than 14 days before the first day of the rodeo.

Sec. 768.004. RULES. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to adopt standards for rodeo helmets, bull riding helmets, and protective vests.

(b) Authorizes the executive commissioner, for purposes of this section, to adopt standards established under federal law or adopted by a federal agency or a nationally recognized organization.

(c) Requires the executive commissioner to adopt rules establishing requirements for the educational program under Section 768.003.

SECTION 2. (a) Provides that the change in law made by this Act applies only to a rodeo activity that occurs on or after January 1, 2010.

(b) Requires the executive commissioner to adopt rules required by Section 768.004, Health and Safety Code, as added by this Act, not later than November 1, 2009.

SECTION 3. Effective date: upon passage or September 1, 2009.