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Chapter 868

AN ACT

relating to safety of children who participate in rodeos.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 768 to read as follows:

CHAPTER 768. CHILDREN PARTICIPATING IN RODEOS

Sec. 768.001. DEFINITIONS. In this chapter:

(1) "Bull riding helmet" means a rodeo helmet that is designed to provide substantial protection for a person's head and face during bull riding.

(2) "Child" means a person under 18 years of age.

(3) "Department" means the Department of State Health Services.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Protective vest" means protective clothing that covers a person's chest and torso to prevent or mitigate injury to those areas.

(6) "Rodeo" means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

(A) riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;

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- 1 (B) riding a bull;
- 2 (C) roping an animal, including roping as part of
- 3 a team;
- 4 (D) wrestling a steer; and
- 5 (E) riding a horse in a pattern around preset
- 6 barrels or other obstacles.

7 Sec. 768.002. PROTECTIVE GEAR REQUIRED FOR CHILDREN
 8 ENGAGING IN CERTAIN RODEO ACTIVITIES. (a) A child may not engage
 9 in, and a parent or legal guardian of the child may not knowingly or
 10 recklessly permit the child to engage in, bull riding, including
 11 engaging in bull riding outside a rodeo for the purpose of
 12 practicing bull riding, unless the child is wearing a bull riding
 13 helmet and a protective vest.

14 (b) To satisfy the requirements of this section, a helmet or
 15 protective vest must meet the standards adopted under Section
 16 768.004.

17 (c) In a cause of action in which damages are sought for
 18 injuries or death suffered by a child in connection with bull
 19 riding, the failure of the child or of the parent or legal guardian
 20 of the child to comply with this chapter does not constitute
 21 responsibility causing or contributing to the cause of the child's
 22 injuries or death for purposes of Chapter 33, Civil Practice and
 23 Remedies Code.

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

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1 (b) A primary or secondary school to which this section
2 applies shall, before the first rodeo associated with the school in
3 each school year, conduct a mandatory educational program on
4 safety, including the proper use of protective gear, for children
5 planning to participate in the rodeo. The educational program may
6 consist of an instructional video, subject to department approval.

7 (c) A child may not participate in a rodeo associated with
8 the child's school during a school year unless the child has
9 completed the educational program under Subsection (b) not more
10 than one year before the first day of the rodeo.

11 Sec. 768.004. RULES. (a) The executive commissioner by
12 rule shall adopt standards for:

- 13 (1) bull riding helmets; and
- 14 (2) protective vests.

15 (b) For purposes of this section, the executive
16 commissioner may adopt standards established under federal law or
17 adopted by a federal agency or a nationally recognized
18 organization.

19 (c) The executive commissioner shall adopt rules
20 establishing requirements for the educational program under
21 Section 768.003.

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

24 (b) The executive commissioner of the Health and Human
25 Services Commission shall adopt the rules required by Section
26 768.004, Health and Safety Code, as added by this Act, not later
27 than November 1, 2009.

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1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.

David Newkirk
President of the Senate

John Strawn
Speaker of the House

I hereby certify that S.B. No. 2505 passed the Senate on May 1, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 2505 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 136, Nays 12, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2pm O'CLOCK

JUN 19 2009

Colby Shuter III