

**Department of State Health Services**  
**Council Agenda Memo for State Health Services Council**  
**August 26, 2010**

**Agenda Item Title:** New rules concerning children participating in rodeos

**Agenda Number:** 5c

**Recommended Council Action:**

For Discussion Only

For Discussion and Action by the Council

**Background:**

The School Health Program, located within the Child Health and Safety Branch, Health Promotion and Chronic Disease Prevention Section of the Division for Prevention and Preparedness, serves as a resource for coordinated school health programs and school health services.

In Texas, children as young as four years old compete in livestock riding competitions, and bull riding can begin with children of middle school age. Senate Bill 2505, 81<sup>st</sup> Legislature, Regular Session, 2009, was written to require children participating in rodeos to wear a protective vest and bull riding helmet; to require the Department of State Health Services (DSHS) to develop standards for the vests and helmets; and to require schools to conduct and children participating in rodeos to participate in an educational program on safety, including the proper use of protective gear.

Research and clinical experience in the sport of bull riding has provided evidence of a high incidence of head, facial and body injury in bull riders. Recent evidence has indicated that bull riders who wear protective headgear are much less likely to suffer head injuries. Research is very limited in this area and virtually non-existent for protective vests. It is known that most bull-related injuries are sustained after the fall when the rider is kicked or gored in the upper or lower portion of the torso. However, most of the benefits of wearing protective vests and headgear during bull riding are derived from anecdotal experience accounts and observations. It stands to reason that wearing a protective vest is advisable. Research has been conducted on wearing protective gear while competing in auto racing, baseball, bicycle racing, football, ice hockey, horse racing and skiing, among others. Protective vests and headgear reduce the incidence of injury in these activities.

The School Health Program is funded through Title V Maternal and Child Health Block Grant.

**Summary:**

The purpose of the new rules is to increase the number of children wearing protective gear during bull riding and reduce the incidents of head and other bodily injury or death to children participating in rodeos. The proposed rules require an educational program in schools on safety, which may also reduce the risk of injury or death to children participating in rodeos.

The proposed new rules comply with Senate Bill 2505 and address the standards for bull riding helmets and protective vests for children who engage in bull riding and requirements for schools to conduct and children to attend a mandatory educational program on safety, including the proper use of protective gear for children planning to participate in rodeos.

### Summary of Input from Stakeholder Groups:

Prior to development of rules, stakeholders were invited to participate in an open discussion on October 26, 2009, to identify issues regarding standards for bull riding helmets and protective vests and establish requirements for the educational program on safety. Stakeholders with an interest in rodeo attended, such as presidents and CEOs of several high school and Texas rodeo associations; helmet and vest manufacturers from Texas, U.S. and Canada; medical personnel; representation from the bill's sponsor; and parents of children that participate in rodeos. Also attending were DSHS staff and Health and Human Services Commission staff from the Office of Acquired Brain Injury. Feedback from the discussion provided information about the sport of rodeo and bull riding in Texas; and an understanding of the roles of Texas schools and rodeo associations in implementation of the sport. The discussion helped DSHS staff identify issues for consideration in the development of the rules.

Participants from the October meeting and other stakeholders were given an opportunity to provide feedback on the first draft of the proposed rules. Stakeholder input was sought on February 16, 2010, and comments from one stakeholder was received. The stakeholder offered substitutions for words and phrases in the rule text; suggested additional input be sought regarding content for the educational program; and questioned the acceptance of a specific additional or substitute industry standard to satisfy the requirements outlined in the "Standards for protective vests."

The DSHS staff rodeo rules work group met on April 7, 2010, to discuss the comments received from the stakeholder. Responses to the comments are as follows:

- The current wording of the rules aligns with language in the statute.
- The rules provide minimum standards for content as well as learning objectives based on the National Health Education Standards and the Texas Essential Knowledge and Skills required by the Texas Education Agency. Additional content would be the responsibility of individual schools based on local requirements and needs.
- A study group was formed to research the suggested alternative industry standard for protective vests. After reviewing the group report, the rodeo work group determined by consensus, the alternate industry standard did not provide for protection against penetration injuries, and was not substantial enough in general to be included or substituted as a requirement for "Standards for protective vests."

No changes have been made to the proposed rules as a result of stakeholder feedback.

### Proposed Motion:

Motion to recommend HHSC approval for publication of rules contained in agenda item #5c

**Approved by Assistant Commissioner/Director:** Adolfo Valadez, M.D., M.P.H. **Date:** 7/27/10

**Presenter:** Lauri Kalanges, M.D. **Program:** Health Promotion and Chronic **Phone No.:** 458-7234  
Acting Section Disease Prevention Section  
Director

**Approved by CPCPI:** Carolyn Bivens **Date:** 7/27/2010

Title 25. HEALTH SERVICES  
Part 1. DEPARTMENT OF STATE HEALTH SERVICES  
Chapter 104. Children Participating in Rodeos  
New §§104.1-104.5

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services (department) proposes new §§104.1 - 104.5 concerning children participating in rodeos.

BACKGROUND AND PURPOSE

The new sections comply with Health and Safety Code, Chapter 768, (Senate Bill 2505, 81st Legislature, Regular Session, 2009), which require the establishment of standards for protective vests and bull riding helmets for children who participate in rodeos; and requirements for an educational program on safety, including the proper use of protective gear for children planning to participate in rodeos.

Research and clinical experience in the sport of bull riding has provided evidence there is a high incidence of head, facial and body injury in bull riders. This sport has been implicated in up to 37% of rodeo injuries and is one of the most dangerous sporting activities of the modern era. In one study, the incidence was found to be 1.5 head and facial injuries per 100 rides. This can be compared with Canadian intercollegiate ice hockey, in which the incidence of concussion was 1.55 per 1,000 athlete exposures and high school football in the U.S. in which as many as 5.6% of high school players will suffer a concussion per season.

Some recent evidence has indicated that bull riders who wear protective headgear are much less likely to suffer head injuries. Research is very limited in this area and virtually non-existent for protective vests. It is known, however, that most bull-related injuries are sustained after the fall when the rider is kicked or gored in the upper or lower portion of the torso. So, it stands to reason that wearing a protective vest would be recommended. Research has been conducted on wearing protective gear while competing in auto racing, baseball, bicycle racing, football, ice hockey, horse racing and skiing. Protective vests and headgear reduce the incidence of injury in these activities. However, most of the benefits of wearing protective vests and headgear during bull riding are derived from anecdotal experience accounts and observation.

In Texas, children as young as four years old compete in livestock riding competitions, and bull riding can begin with children of middle school age. Health and Safety Code, Chapter 768, was written to require children participating in rodeos to wear a protective vest and bull riding helmet; to require the department to develop standards for the vests and helmets; and to require children participating in rodeos associated with schools to participate in an educational program on safety, including the proper use of protective gear.

Because of complex interactions of variables such as bull motion, size and weight; rider size, direction, point of impact and proper fit of protective gear; serious injury and or death can result

from both low and high energy impact even when protective gear is worn. If adopted, it is expected that the new rules will help reduce the impact of some of the forces reaching the head and body that may occur in bull riding and limit contact with the facial features of the rider to provide enough protection to reduce the risk of injury that would occur without protective gear. Additional protection from injury is possible as a result of the prerequisite educational program on safety, required of children participating in rodeos.

## SECTION BY SECTION SUMMARY

New §104.1 states the purpose of the sections which is to establish standards for protective vests and bull riding helmets for children who participate in rodeos; and requirements for a school-based educational program on safety, including the proper use of protective gear, for children planning to participate in rodeos.

New §104.2 defines the terms and phrases used in the proposed rule relating to rodeo, protective gear, education guideline development and school rodeo involvement.

New §104.3 presents specific standards for protective vests and bull riding helmets; specifies to whom the rule applies and addresses parent non-compliance, specified in “Failure of a Parent to Comply”, Health and Safety Code, §768.002.

New §104.4 addresses requirements for the educational program on safety and specifies to whom the standard applies; when the program must take place; presents participation requirements and requirements for structuring the educational content of the program.

New §104.5 states when the rule will become effective and why.

## FISCAL NOTE

Lauri Kalanges, Acting Director, Health Promotion and Chronic Disease Prevention Section, has determined that for each year of the first five years that the sections will be in effect, there will be no fiscal implications to state or local government as a result of enforcing and administering the sections as proposed. But, some local governments (school districts) will incur costs to purchase video and commence educational instruction in rodeo safety, but these requirements are imposed by the statute, not the rule.

## MICRO-BUSINESSES AND SMALL BUSINESSES IMPACT ANALYSIS

Ms. Kalanges has also determined that those micro-businesses and small businesses engaged in the production of videos for instruction in rodeo safety may need to revise their instructional content to comply with these rules or risk losing sales within the State of Texas, but this is hypothetical because it is not known if any such businesses are engaged in such production, nor if the revision of products will be necessary for those who are. Those micro-businesses and small businesses engaged in the production of bull riding helmets and vests may need to revise their design to comply with these rules or risk losing sales within the State of Texas, but this is hypothetical because it is not known if any such businesses are engaged in the manufacture of

such products, nor if the revision of products will be necessary for those who are. Other than these, there will be no adverse impact on micro-businesses or small businesses required to comply with the sections as proposed. This was determined by interpretation of the rules that micro-businesses or small businesses will not be required to alter their business practices in order to comply with the sections.

#### ECONOMIC COST TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are may or may not be economic costs to persons who are required to comply with the sections as proposed. Some individual children or their parents will incur costs to purchase compliant helmets and vests, but this requirement is imposed by the statute not the rules. There is no anticipated negative impact on local employment.

#### REGULATORY ANALYSIS

The department has determined that this proposal is not a “major environmental rule” as defined by Government Code, §2001.0225. “Major environmental rule” is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

#### TAKINGS IMPACT ASSESSMENT

The department has determined that the proposed rules do not restrict or limit an owner’s right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under Government Code, §2007.043.

#### PUBLIC BENEFIT

Ms. Kalanges has determined that for each year of the first five years the sections are in effect, the public will benefit from adoption of the sections. The public benefit anticipated as a result of administering the sections will be: (1) an increased awareness by parents, teachers, children and the general population of the safety risks of children participating in rodeos and the steps that can be taken to reduce risk; (2) implementation of an educational program in schools on safety standards for children participating in rodeos which may reduce the risk of injury or death to children participating in bull riding; (3) an increase in the number of children wearing protective gear during bull riding competition and practice; and (4) a reduction in the incidents of head and other bodily injury or death to children participating in bull riding.

#### PUBLIC COMMENT

Comments on the proposal may be submitted to Ellen Smith, Information Specialist, School Health Program, Texas Department of State Health Services; by mail at P. O. Box 149347, M.C. 1923, Austin, Texas 78714-9347; by email to [ellen.smith@dshs.state.tx.us](mailto:ellen.smith@dshs.state.tx.us); by fax at (512) 458-

4555; or by phone at (512) 458-7111, Extension 2140. Comments will be accepted for 30 days following publication of the proposal in the Texas Register.

#### LEGAL CERTIFICATION

The Department of State Health Services Acting General Counsel, Linda Wiegman, certifies that the proposed rules have been reviewed by legal counsel and found to be within the state agencies' authority to adopt.

#### STATUTORY AUTHORITY

The new sections are authorized by Health and Safety Code, §768.004, which requires the Executive Commissioner of the Health and Human Services Commission to adopt rules with standards for bull riding helmets, protective vests, and rodeo safety educational programs; and Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001.

The new sections affect the Health and Safety Code, Chapters 768 and 1001; and Government Code, Chapter 531.

Legend: (Proposed new rules)  
Regular Print = Proposed new language

§104.1. Purpose.

The purpose of these sections is to establish standards for protective vests and bull riding helmets for children who participate in rodeos; and requirements for an education program on safety, including the proper use of protective gear for children planning to participate in rodeos. These standards are implemented under Health and Safety Code, Chapter 768.

§104.2. Definitions.

The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

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

(2) "Child" or "Children"--A person under 18 years of age.

(3) "National Health Education Standards" (NHES)--A statement from The Joint Committee on National Health Education Standards. *National Health Education Standards: Achieving Excellence* (2nd Edition). Atlanta: American Cancer Society, 2007, a nationally-accepted framework of health standards and expectations which align curriculum, instruction and assessment practices to promote personal, family and community health.

(4) Promote--A primary or secondary school that helps or encourages; or advertises or advocates for a rodeo event to exist or flourish; or, encourages or advertises rodeo ticket or rodeo-related merchandise sales; or demonstrates acceptance of rodeo through advertising or other print or electronic publicity such as posters, Web sites or radio announcements.

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

(6) Rodeo--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;

(B) riding a bull;

(C) roping an animal, including roping as part of a team;

(D) wrestling a steer; and

(E) riding a horse in a pattern around preset barrels or other obstacles.

(7) Sponsor--A primary or secondary school that in any way finances, or provides other in-kind resources or services for a rodeo event carried out by another person or group; or, that is in any other way, responsible for a rodeo event.

(8) Texas Essential Knowledge and Skills (TEKS)--The state-mandated set of learning objectives for students in Texas public schools.

#### §104.3. Standards for Protective Vests and Bull Riding Helmets for Children Who Participate in Rodeos.

A child may not engage in, and a parent or legal guardian of the child may not knowingly or recklessly permit the child to engage in, bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet. To satisfy the requirement of this section, the following applies:

(1) The bull riding helmet worn by the child must meet the American Society for Testing and Materials (ASTM) standards for “Protective Headgear with Faceguard Used in Bull Riding; F 2530-05” or the most current version of the standards.

(2) The protective vest worn by the child must meet ASTM standards for “Body Protectors Used in Horse Sports and Horseback Riding; F 1937 – 04” or the most current version of the standards.

(3) These standards apply to the following.

(A) Rodeos associated with primary and secondary schools.

(B) Schools that sponsor, advertise or promote; or, are otherwise associated with a rodeo in which children who attend the school are likely to participate.

(C) Children who are participating in or engaging in bull riding outside a rodeo for the purpose of practicing bull riding.

(D) A parent or legal guardian of a child engaging in bull riding including outside the rodeo for the purpose of practice.

(4) “Failure of a parent to comply” statement applies to these standards as specified in Health and Safety Code 768.002.

#### §104.4. Requirements for an Educational Program on Safety.

(a) Applies only to a primary or secondary school that sponsors, advertises or promotes; or, otherwise is associated with a rodeo in which children who attend the school are likely to participate.

(b) Not more than one year before the first day of a rodeo associated with a primary or secondary school, the school will conduct a mandatory education program each school year on safety for children planning on participating in the rodeo.

(c) A child may not participate in a rodeo associated with a child's school during a school year unless the child has completed the educational program.

(d) The educational program will have the following requirements.

(1) The educational program must cover the proper use of rodeo protective gear.

(2) Criteria for program development should be based on the NHES for designing injury prevention and safety curricula.

(3) Information taught must reflect the required age-appropriate TEKS that promote healthy behavior and reduce personal risk as it relates to injury prevention.

(4) The method of delivery of the educational program may be an instructional video or any other instructional medium that contains information consistent with the TEKS and NHES.

(5) Compliance with this section is equivalent to approval by the Department of State Health Services.

#### §104.5. Compliance Date of Rules.

To allow preparation for children to fully participate in rodeos, these rules will be effective August 1, 2011.