

ACT 197

H.B. NO. 2273

A Bill for an Act Relating to Concussions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that concussions or mild traumatic brain injuries sustained by children and adolescents frequently occur in a variety of sports and recreational activities, including football, soccer, bicycling, and skateboarding. In October 2011, the Centers for Disease Control and Prevention reported that the number of traumatic brain injury-related emergency department visits in this country by persons nineteen years old or younger that were related to sports and recreational activities increased from 153,375 in 2001 to 248,418 in 2009. In this State, the department of education's athletic health care trainers program also noted an increase in the number of reported concussions, from two hundred thirteen in the 2007-2008 school year to four hundred forty-six in the 2010-2011 school year.

The marked increase in national and state concussion statistics may be attributed, at least in part, to an increased awareness of the dangers of concussions by the people involved in sports activities. The department of education began its concussion management program in 2011 to educate coaches, parents, and athletic trainers, and provide care for students. The legislature finds, however, that a statewide concussion educational program is necessary to ensure that public and private high school students, school personnel, and parents are provided with consistent and up-to-date information on concussions and management of symptoms and injuries relating to a concussion.

The purpose of this Act is to require the department of education and the Hawaii High School Athletic Association to develop a concussion educational program for students and student athletes who are fourteen to eighteen years old. The program shall include:

- (1) Education of students, student athletes, parents, sports officials, school faculty and staff, and school administrators of the signs and symptoms of a concussion and what to do if someone demonstrates any of these signs or symptoms;
- (2) An annual educational session for coaches and athletic trainers about the signs and symptoms of a concussion;
- (3) The need for the mandatory removal of a student from the athletic activity that the student is participating in if the student demonstrates any signs or symptoms of a concussion; and
- (4) The need for a concussed student's physician to evaluate the student and determine whether the student is able to return to a particular athletic activity.

SECTION 2. As used in this Act, the following definitions apply:

"Coach" means a paid or volunteer coach.

"Concussion" means a pathophysiological process affecting the brain, caused by traumatic biomechanical forces.

"Licensed health care provider" means an advanced practice registered nurse, certified or registered athletic trainer, neuropsychologist, physician assistant, physician, or osteopathic physician trained in the management of sports concussions.

SECTION 3. The department of education and the Hawaii High School Athletic Association shall develop a concussion educational program that shall include:

- (1) Educating students, parents, sports officials, school faculty, coaches, staff, and school administrators about the signs and symptoms of a concussion and the procedures to follow if a person displays any of the signs or symptoms of a concussion;
- (2) Annual educational sessions about the signs and symptoms of a concussion for coaches and athletic trainers;
- (3) The need for the mandatory removal of a student from the athletic activity that the student is participating in, if the student demonstrates any signs and symptoms of a concussion;
- (4) The need for a concussed student's licensed health care provider to evaluate the student and determine whether the student is able to return to a particular athletic activity; and
- (5) The monitoring of a student's return to physical activity by the school's certified athletic trainer, if an athletic trainer is employed by the school. This return to activity plan is to be based upon peer-review scientific evidence, such as that from the National Athletic Trainer Association or Centers for Disease Control and Prevention.

SECTION 4. Educational guidelines for development of a high school concussion awareness program. There shall be an educational program developed for every public and private school that is a member of the Hawaii High School Athletic Association on how to develop a school's concussion awareness plan. Every program shall require:

- (1) Annual concussion awareness training for coaches, administrators, faculty, staff, and sports officials, including:
 - (A) The signs and symptoms of a concussion;
 - (B) The need to obtain proper medical attention for a person suspected of having a concussion; and
 - (C) Information on the nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method of allowing a student who has sustained a concussion to return to activity;
- (2) Annual concussion awareness education for parents and students who participate in a school's athletic team or programs or both. The parents and students shall sign a concussion information sheet that they have attended and received this concussion awareness education;
- (3) Immediate removal from a game, practice, or other activity of any student who exhibits signs, symptoms, or behaviors consistent with a concussion, such as loss of consciousness, headache, dizziness, confusion, or balance problems. The student shall not return to the activity until cleared to do so by a licensed health care provider; and
- (4) The student to obtain written clearance from a licensed health care provider prior to returning to academics and athletics, which:
 - (A) States that the student is capable of resuming participation in a particular sport;
 - (B) May require the student to follow a plan designed to aid the student to recover and resume participation in school and athletic activities that:
 - (i) Includes, as appropriate, periods of cognitive and physical rest while symptoms of a concussion persist; and

- (ii) Reintroduces cognitive and physical demands on the student on a progressive basis to prevent the reemergence or worsening of symptoms of a concussion; and
- (C) Requires that the student's return to physical activity be monitored by the school's certified athletic trainer, if an athletic trainer is employed by the school.

SECTION 5. The department of education shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2013 on the development and implementation of the concussion educational program.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 3, 2012.)