

ACT 262

S.B. NO. 2557

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 across the country, legal action is being pursued over the issue of concussion management in interscholastic sports and youth sports leagues. Class action lawsuits are highlighting the need for related baseline testing; student, coach, and parent education; and concussion injury data monitoring. To address some of these concerns, Act 197, Session Laws of Hawaii 2012, required the department of education and the Hawaii High School Athletic Association to develop a concussion educational program for high school students aged fourteen to eighteen. The intent of Act 197 was to provide a statewide concussion educational program to ensure that public and private high school students, school personnel, and parents are provided with consistent and up-to-date information on the management of symptoms and injuries related to a concussion.

The purpose of this Act is to expand the scope of the concussion educational program under Act 197 to include youth and incorporate additional program requirements.

This Act also makes appropriations to develop and implement the concussion monitoring and educational program and to administer concussion testing to high school student athletes.

SECTION 2. Act 197, Session Laws of Hawaii 2012, is amended as follows:

1. By amending section 2 to read:

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

“Coach” means a paid or volunteer ~~[coach.] individual working for, assisting, or managing a sports team for school athletics or a youth athletic activity.~~

“Concussion” means a pathophysiological process affecting the brain, caused by ~~direct or indirect~~ 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, or physical therapist~~ trained in the management of sports concussions.

“School athletics” means athletic events sponsored by any public or private school from grade nine to grade twelve.

“Youth athletic activity” means an organized athletic activity where the majority of the participants are eleven years of age or older and under nineteen years of age, and are engaging in an organized athletic game or competition against another team, club, or other entity or in practice or preparation for an organized game or competition against another team, club, or other entity. The term does not include:

- (1) A college or university activity;
- (2) An activity that is entered into for instructional purposes only; or
- (3) An athletic activity that is incidental to a non-athletic program or a lesson.”

2. By amending section 4 to read:

“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:]~~ The department of kinesiology and rehabilitation science of the University of Hawaii, the department of education, and the Hawaii High School Athletic Association shall jointly develop a concussion monitoring and educational program for school athletics that requires:

- (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]~~:
 - (i) ~~Proper~~ medical attention for a person suspected of having a concussion; and
 - (ii) Medical clearance from licensed health care providers trained in concussion management, before a person may engage in any type of physical activity, practice, game, or competition;
 - (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]~~ person who has sustained a concussion to return to activity; and
 - (D) Information on the process of a concussed person's return to school, academic and cognitive issues associated with a concussion, and classroom adjustments that the person may require;

- (2) Annual concussion awareness education for [parents and students who participate in a school's athletic team or programs or both.] participants in school athletics or youth athletic activities, including the parents of minor or student participants. The [parents and students] individuals required to receive education pursuant to this paragraph shall sign a concussion information sheet that they have attended [and], received, and viewed this concussion awareness education;
- (3) Immediate removal from a game, practice, or other activity of any [student] participant who is suspected of having a concussion or exhibits signs, symptoms, or behaviors consistent with a concussion, such as loss of consciousness, headache, dizziness, confusion, or balance problems. The [student] concussed participant shall not return to the activity until cleared to do so by a licensed health care provider[; and] trained in concussion management;
- (4) [The] A concussed student to obtain written clearance from [a licensed health care provider] an advanced practice nurse, neuropsychologist, physician assistant, physician, or osteopathic physician trained in concussion management 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] State of Hawaii registered athletic trainer, if an athletic trainer is employed by the school[-];
- (5) Cognitive testing of school athletics participants as determined by the department of kinesiology and rehabilitation science of the University of Hawaii, department of education, and Hawaii High School Athletic Association;
- (6) Continuous data collection and monitoring of concussions in school athletics, including neuropsychologist review of computerized neuropsychological tests;
- (7) The use of information and guidance from the Hawaii Concussion Awareness and Management Program; and
- (8) Organizations traveling from without the State to compete in school athletics and youth athletic activities in the State to comply with this section;

provided that this section shall not apply to college and professional teams.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$450,000 or so much thereof as may be necessary for fiscal year 2016-2017 to:

- (1) Develop and implement the concussion monitoring and educational program for school athletics, as required by this Act;
- (2) Develop and implement a concussion and awareness program for youth athletics; and

- (3) Administer concussion testing to high school student athletes, beginning on August 1, 2016.

The sum appropriated shall be expended by the department of kinesiology and rehabilitation science of the University of Hawaii for the purposes of this Act.

SECTION 4. The department of kinesiology and rehabilitation science of the University of Hawaii shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2017 regarding the progress in implementing this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2016.

(Approved July 12, 2016.)