
A BILL FOR AN ACT

RELATING TO HEAD INJURIES.

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

1 SECTION 1. The legislature finds that Act 197, Session
2 Laws of Hawaii 2012, was enacted to require the department of
3 education and the Hawaii High School Athletic Association to
4 develop a concussion education program for students who are
5 fourteen to eighteen years old. Act 197 requires, in part: (1)
6 the immediate removal of a student who exhibits signs, symptoms,
7 or behaviors consistent with a concussion from a game, practice,
8 or other activity; and (2) clearance by a licensed health care
9 provider before the student can return to the activity.

10 The legislature finds that head injuries, including but not
11 limited to concussions and traumatic brain injuries, are
12 sustained by children nineteen years old or younger. According
13 to the Centers for Disease Control and Prevention, from 2001 to
14 2009, the number of emergency department visits for traumatic
15 brain injuries sustained during sports and recreational
16 activities among children and adolescents nineteen years old or
17 younger increased by sixty-two per cent.



1 The purpose of this Act is to amend Act 197, Session Laws
2 of Hawaii 2012, to:

3 (1) Expand the concussion education program to include all
4 head injuries under a head injury education program;

5 (2) Extend the head injury education program and program
6 protocols to all public and private school students who
7 are nineteen years old or younger, which shall include
8 but is not limited to student athletes, including
9 student cheerleaders; and

10 (3) Implement a provision to provide immunity to public and
11 private school staff and volunteers who comply with the
12 head injury education program and program protocols.

13 SECTION 2. Act 197, Session Laws of Hawaii 2012, is
14 amended by amending section 1 to read as follows:

15 "SECTION 1. The legislature finds that head injuries,
16 including but not limited to concussions [~~or mild~~] and traumatic
17 brain injuries sustained by children and adolescents, frequently
18 occur in a variety of sports and recreational activities,
19 including football, soccer, bicycling, and skateboarding. In
20 October 2011, the Centers for Disease Control and Prevention
21 reported that the number of traumatic brain injury-related
22 emergency department visits in this country by persons nineteen



1 years old or younger that were related to sports and
2 recreational activities increased from 153,375 in 2001 to
3 248,418 in 2009. In this State, the department of education's
4 athletic health care trainers program also noted an increase in
5 the number of reported concussions, from two hundred thirteen in
6 the 2007-2008 school year to four hundred forty-six in the 2010-
7 2011 school year.

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

20 The purpose of this Act is to require the department of
21 education, private educational institutions, and the Hawaii High
22 School Athletic Association to develop a [~~concussion~~] head



1 injury educational program for students [~~and student athletes~~],
2 which shall include but is not limited to student athletes,
3 including student cheerleaders, who are [~~fourteen to eighteen~~
4 ~~years old.~~] nineteen years old or younger. The program shall
5 include:

- 6 (1) Education of students, student athletes, including
7 student cheerleaders, parents, sports officials,
8 school faculty and staff, and school administrators of
9 the signs and symptoms of a [~~concussion~~] head injury
10 and what to do if someone demonstrates any of these
11 signs or symptoms;
- 12 (2) An annual educational session for coaches and athletic
13 trainers about the signs and symptoms of a
14 [~~concussion~~] head injury;
- 15 (3) The need for the mandatory removal of a student from
16 the athletic or recreational activity that the student
17 is participating in if the student demonstrates any
18 signs or symptoms of a [~~concussion; and~~] head injury;
19 and
- 20 (4) The need for a [~~concussed student's physician~~]
21 licensed health care provider to evaluate the
22 [~~student~~] student's head injury and determine whether



1 the student is able to return to a particular athletic
2 or recreational activity."

3 SECTION 3. Act 197, Session Laws of Hawaii 2012, is
4 amended by amending section 2 to read as follows:

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

7 "Coach" means a paid or volunteer coach.

8 "Concussion" means [~~a pathophysiological process affecting~~
9 ~~the brain, caused by traumatic biomechanical forces~~] a transient
10 and reversible change in mental status resulting from head
11 trauma that can last from seconds to hours. Symptoms may
12 include nausea, headache, dizziness, memory loss, and loss of
13 consciousness.

14 "Head injury" means any trauma that leads to injury to the
15 scalp, skull, or brain and includes but is not limited to a
16 concussion or traumatic brain injury.

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



1 "Student" means any child who is nineteen years old or
2 younger enrolled in grades twelve or under at a public or
3 private school."

4 SECTION 4. Act 197, Session Laws of Hawaii 2012, is
5 amended by amending section 3 to read as follows:

6 "SECTION 3. The department of education, private
7 educational institutions, and the Hawaii High School Athletic
8 Association shall develop a [~~concussion~~] head injury educational
9 program that shall include:

- 10 (1) Educating students, parents, sports officials, school
11 faculty, coaches, staff, and school administrators
12 about the signs and symptoms of a [~~concussion~~] head
13 injury and the procedures to follow if a person
14 displays any of the signs or symptoms of a
15 [~~concussion~~] head injury;
- 16 (2) Annual educational sessions about the signs and
17 symptoms of a [~~concussion~~] head injury for coaches and
18 athletic trainers;
- 19 (3) The need for the mandatory removal of a student from
20 the athletic or recreational activity that the student
21 is participating in, if the student demonstrates any
22 signs and symptoms of a [~~concussion~~] head injury;



1 (4) The need for a [~~econcussed student's~~] licensed health
2 care provider to evaluate the [~~student~~] student's head
3 injury and determine whether the student is able to
4 return to a particular athletic or recreational
5 activity; and

6 (5) The monitoring of a student's return to physical
7 activity by the school or the school's certified
8 athletic trainer, if an athletic trainer is employed
9 by the school. This return to activity plan is to be
10 based upon peer-review scientific evidence, such as
11 that from the National Athletic Trainer Association or
12 Centers for Disease Control and Prevention."

13 SECTION 5. Act 197, Session Laws of Hawaii 2012, is
14 amended by amending section 4 to read as follows:

15 "SECTION 4. Educational guidelines for development of a
16 [~~high~~] school [~~econcussion~~] head injury awareness program. There
17 shall be an educational program developed for every public and
18 private school [~~that is a member of the Hawaii High School~~
19 ~~Athletic Association~~] on how to develop a school's [~~econcussion~~]
20 head injury awareness plan. Every program shall require:



- 1 (1) Annual [~~concussion~~] head injury awareness training for
2 coaches, administrators, faculty, staff, and sports
3 officials, including:
- 4 (A) The signs and symptoms of a [~~concussion;~~] head
5 injury;
- 6 (B) The need to obtain proper medical attention for a
7 person suspected of having a [~~concussion; and~~]
8 head injury; and
- 9 (C) Information on the nature and risk of
10 [~~concussions;~~] head injuries, including the
11 danger of continuing to play after sustaining a
12 [~~concussion~~] head injury and the proper method of
13 allowing a student who has sustained a
14 [~~concussion~~] head injury to return to activity;
- 15 (2) Annual [~~concussion~~] head injury awareness education
16 for parents and students who participate in a school's
17 athletic team [~~or~~], athletic program, recreational
18 programs, or [both.] any combination thereof. The
19 parents and students shall sign a [~~concussion~~] head
20 injury information sheet documenting that they have
21 attended and received this [~~concussion~~] head injury
22 awareness education;



- 1 (3) Immediate removal from a game, practice, or other
2 activity of any student who exhibits signs, symptoms,
3 or behaviors consistent with a [~~concussion,~~] head
4 injury, such as excessive irritability, fatigue,
5 nausea, bruising behind the ear or around the eyes,
6 loss of consciousness, headache, lightheadedness,
7 dizziness, confusion, or balance problems. The
8 student shall not return to the activity until cleared
9 to do so by a licensed health care provider; and
- 10 (4) The student to obtain written clearance from a
11 licensed health care provider prior to returning to
12 academics and athletics, which:
- 13 (A) States that the student is capable of resuming
14 participation in a particular sport[+] or
15 recreational activity;
- 16 (B) May require the student to follow a plan designed
17 to aid the student to recover and resume
18 participation in school and athletic or
19 recreational activities that:
- 20 (i) [~~Includes,~~] Include, as appropriate, periods
21 of cognitive and physical rest while



1 symptoms of a [~~concussion~~] head injury
2 persist; and
3 (ii) [~~Reintroduces~~] Reintroduce cognitive and
4 physical demands on the student on a
5 progressive basis to prevent the reemergence
6 or worsening of symptoms of a [~~concussion;~~
7 ~~and~~] head injury; and

8 (C) [~~Requires~~] Require that the student's return to
9 physical activity be monitored by the school or
10 school's certified athletic trainer, if an
11 athletic trainer is employed by the school.

12 Any public or private school coach, administrator, faculty,
13 staff, sports official, or volunteer acting in accordance with
14 Section 4 of this Act shall not be liable for the injury or
15 death of a student who sustains or is suspected of having
16 sustained a head injury while engaged in a sport or recreational
17 activity."

18 SECTION 6. Session law material to be repealed is
19 bracketed and stricken. New session law material is
20 underscored.

21 SECTION 7. This Act shall take effect upon its approval.
22



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H.B. NO. 302

Report Title:

Head Injury; Head Injury Awareness Program; Students

Description:

Amends Act 197, Session Laws of Hawaii 2012, to expand the concussion education program to include all head injuries, extend the head injury education program to certain public and private school students, and provide immunity to those who comply with program protocols.

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