

JAN 22 2016

A BILL FOR AN ACT

RELATING TO CONCUSSIONS.

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

1 SECTION 1. The legislature finds that across the country,
2 legal action is being pursued over the issue of concussion
3 management in interscholastic sports and youth sports leagues.
4 Class action lawsuits are highlighting the need for related
5 baseline testing; student, coach, and parent education; and
6 concussion injury data monitoring. To address some of these
7 concerns, Act 197, Session Laws of Hawaii 2012, required the
8 department of education and the Hawaii High School Athletic
9 Association to develop a concussion educational program for high
10 school students aged fourteen to eighteen. The intent of Act
11 197 was to provide a statewide concussion educational program to
12 ensure that public and private high school students, school
13 personnel, and parents are provided with consistent and up-to-
14 date information on the management of symptoms and injuries
15 related to a concussion.

16 The purpose of this Act is to expand the scope of the
17 concussion educational program under Act 197 to include youth



1 athletic activities for participants aged four to eighteen and
2 incorporate additional program requirements.

3 This Act also makes an appropriation to develop and
4 implement the concussion monitoring and educational program and
5 to administer concussion testing to high school student
6 athletes.

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

9 1. By amending section 2 to read:

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

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

15 "Concussion" means a pathophysiological process affecting
16 the brain, caused by direct or indirect traumatic biomechanical
17 forces.

18 "Licensed health care provider" means an advanced practice
19 registered nurse, certified or registered athletic trainer,
20 neuropsychologist, physician assistant, physician, or



1 osteopathic physician trained in the management of sports
2 concussions.

3 "School athletics" means athletic events sponsored by any
4 public or private school from kindergarten to grade twelve.

5 "Youth athletic activity" means an organized athletic
6 activity where the majority of the participants are four years
7 of age or older and under nineteen years of age, and are
8 engaging in an organized athletic game or competition against
9 another team, club, or other entity or in practice or
10 preparation for an organized game or competition against another
11 team, club, or other entity. The term does not include:

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

17 2. By amending section 4 to read:

18 ~~"SECTION 4. [Educational guidelines for development of a~~
19 ~~high school concussion awareness program. There shall be an~~
20 ~~educational program developed for every public and private~~
21 ~~school that is a member of the Hawaii High School Athletic~~



1 ~~Association on how to develop a school's concussion awareness~~
2 ~~plan. Every program shall require:]~~ The department of
3 kinesiology and rehabilitation science of the University of
4 Hawaii, the department of education, and the Hawaii High School
5 Athletic Association shall jointly develop a concussion
6 monitoring and educational program for school athletics and
7 youth athletic activities that shall require:

8 (1) Annual concussion awareness training for coaches,
9 administrators, faculty, staff, and sports officials,
10 including:

11 (A) The signs and symptoms of a concussion;

12 (B) The need to obtain [~~proper~~]:

13 (i) Proper medical attention for a person
14 suspected of having a concussion; and

15 (ii) Medical clearance from health care
16 professionals trained in concussion
17 management, before a person may engage in
18 any type of physical activity, practice,
19 game, or competition;

20 (C) Information on the nature and risk of
21 concussions, including the danger of continuing



1 to play after sustaining a concussion and the
2 proper method of allowing a ~~[student]~~ person who
3 has sustained a concussion to return to activity;
4 and

5 (D) Information on the process of a concussed
6 person's return to school, academic and cognitive
7 issues associated with a concussion, and
8 classroom adjustments that the person may
9 require;

10 (2) Annual concussion awareness education for ~~[parents and~~
11 ~~students who participate in a school's athletic team~~
12 ~~or programs or both.]~~ participants in school athletics
13 or youth athletic activities, including the parents of
14 minor or student participants. The ~~[parents and~~
15 ~~students]~~ individuals required to receive education
16 pursuant to this paragraph shall sign a concussion
17 information sheet that they have attended ~~[and],~~
18 received, and viewed this concussion awareness
19 education;

20 (3) Immediate removal from a game, practice, or other
21 activity of any ~~[student]~~ participant who is suspected



1 of having a concussion or exhibits signs, symptoms, or
2 behaviors consistent with a concussion, such as loss
3 of consciousness, headache, dizziness, confusion, or
4 balance problems. The [~~student~~] concussed participant
5 shall not return to the activity until cleared to do
6 so by a licensed health care provider[~~, and~~] trained
7 in concussion management;

8 (4) [~~The~~] A concussed student to obtain written clearance
9 from a licensed health care provider prior to
10 returning to academics and athletics, which:

11 (A) States that the student is capable of resuming
12 participation in a particular sport;

13 (B) May require the student to follow a plan designed
14 to aid the student to recover and resume
15 participation in school and athletic activities
16 that:

17 (i) Includes, as appropriate, periods of
18 cognitive and physical rest while symptoms
19 of a concussion persist; and

20 (ii) Reintroduces cognitive and physical demands
21 on the student on a progressive basis to



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1 prevent the reemergence or worsening of
2 symptoms of a concussion; and

3 (C) Requires that the student's return to physical
4 activity be monitored by the school's certified
5 athletic trainer, if an athletic trainer is
6 employed by the school[-];

7 (5) Cognitive testing of participants prior to the start
8 of each season of school athletics or a youth athletic
9 activity;

10 (6) Continuous data collection and monitoring of high
11 school concussions, including neuropsychologist review
12 of computerized neuropsychological tests;

13 (7) The use of information and guidance from the Hawaii
14 Concussion Awareness and Management Program; and

15 (8) Organizations traveling from without the State to
16 compete in school athletics and youth athletic
17 activities in the State to comply with this section;

18 provided that this section shall not apply to college and
19 professional teams, and out-of-state athletic trainers who have
20 served their respective teams for less than one month."



1 SECTION 3. There is appropriated out of the neurotrauma
2 special fund the sum of \$450,000 or so much thereof as may be
3 necessary for fiscal year 2016-2017:

4 (1) To develop and implement the concussion monitoring and
5 educational program for school athletics and youth
6 athletic activities, as required by this Act; and

7 (2) To administer concussion testing to high school
8 student athletes, beginning on August 1, 2016.

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

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

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



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

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INTRODUCED BY:

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Report Title:

Concussions; Youth; Athletics; Appropriation

Description:

Expands the concussion educational program established under Act 197, SLH 2012, to include youth athletic activities for participants aged 4 to 18 and incorporate additional program requirements. Appropriates funds to develop and implement the educational program and to administer concussion testing to high school student athletes.

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