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# 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 young athletes are  
2 uniquely susceptible to head and brain trauma: their brains are  
3 still developing, their necks are not as strong as those of  
4 adult athletes, and their heads tend to be proportionately  
5 larger relative to their bodies compared to those of adult  
6 athletes. The legislature further finds that recent research in  
7 clinical examinations has shown that exposure to the repeated  
8 head trauma associated with contact sports at a young age leads  
9 to significantly worse outcomes later in life.

10           Act 197, Session Laws of Hawaii 2012, required the  
11 department of education and Hawaii High School Athletic  
12 Association to develop a concussion educational program for  
13 students ages fourteen to eighteen. Act 262, Session Laws of  
14 Hawaii 2016, expanded the scope of the educational program,  
15 covered students ages eleven to eighteen, and added additional  
16 program requirements. The purpose of this Act is to further  
17 expand the scope of the concussion educational program to cover



1 middle- and elementary-school students and to appropriate funds  
2 for continuation of the program.

3 SECTION 2. Act 197, Session Laws of Hawaii 2012, section  
4 2, as amended by Act 262, Session Laws of Hawaii 2016, section  
5 2, is amended to read as follows:

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

8 "Coach" means a paid or volunteer individual working for,  
9 assisting, or managing a sports team for school athletics or a  
10 youth athletic activity.

11 "Concussion" means a pathophysiological process affecting  
12 the brain, caused by direct or indirect traumatic biomechanical  
13 forces.

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

19 "School athletics" means athletic events sponsored by any  
20 public or private school from grade [~~nine~~] \_\_\_\_\_ to grade  
21 twelve.



1 "Youth athletic activity" means an organized athletic  
 2 activity where the majority of the participants are [eleven]  
 3 \_\_\_\_\_ years of age or older and under nineteen years of age,  
 4 and are engaging in an organized athletic game or competition  
 5 against another team, club, or other entity or in practice or  
 6 preparation for an organized game or competition against another  
 7 team, club, or other entity. The term does not include:

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

13 SECTION 3. There is appropriated out of the general  
 14 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much  
 15 thereof as may be necessary for fiscal year 2018-2019 for the  
 16 continuation of the concussion educational program for middle-  
 17 and elementary-school students.

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



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on June 30, 2020;  
4 provided that section 3 shall take effect on July 1, 2050.



**Report Title:**

Concussions; Youth; Athletics; Appropriation

**Description:**

Expands the scope of the concussion educational program to include middle- and elementary-school students. Appropriates funds. (SB2211 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



**From:** Tsushima, William PhD <WTsushima@STRAUB.NET>  
**Sent:** Monday, March 19, 2018 7:23 AM  
**To:** EDNtestimony  
**Subject:** bill 221

Representative Justin H. Woodson, Chair  
Representative Sam Satoru Kong, Vice Chair  
HOUSE COMMITTEE ON EDUCATION

March 19, 2018, 3:10 pm  
House conference Room 309

Testimony in SUPPORT of SB2211 SD2 HD1

I am a clinical neuropsychologist employed by the Hawai'i Concussion Awareness and Management Program for the past 9 years and have analyzed the neuropsychological test results of the concussed high school athletes to make recommendations for their return to play.

I am writing to endorse SB221 SD2 HD1, which expands the concussion educational program and regulations removing injured athletes from game play established under Act 197, Session Laws of Hawaii 2012, and expanded under Act 262, Session Laws of Hawaii 2016.

SB2211 SD2 HD1 will protect the long-term health and welfare of children and young adults by expanding the scope of existing legislation to include all youth athletes, regardless of age.

Thank you for this opportunity to offer testimony in support of SB2211 SD2 HD1.

Sincerely,

William T. Tsushima, Ph.D.

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STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**LATE**

**Date:** 03/19/2018  
**Time:** 03:10 PM  
**Location:** 309  
**Committee:** House Education

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** SB 2211, SD2, HD1 RELATING TO CONCUSSIONS.

**Purpose of Bill:** Expands the scope of the concussion educational program to include middle- and elementary-school students. Appropriates funds. (SB2211 HD1)

**Department's Position:**

The Department of Education (Department) supports the intent of SB 2211 SD2, HD1. This measure recognizes the importance of concussion educational programs for youth.

The Department's multi-year collaboration with the Kinesiology and Rehabilitation Science in the College of Education at the University of Hawaii at Manoa has led to successful implementation of a concussion awareness and management program in Hawaii high school athletic programs statewide. The Department looks forward to continuing its collaboration with the University of Hawaii to expand the scope of the concussion educational program established under Act 197 (SLH 2012) and Act 262 (SLH 2016).

Thank you for this opportunity to provide testimony on SB 2211 SD2, HD1.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

**LATE**

Testimony Presented Before the  
House Committee on Education  
Monday, March 19, 2018 at 3:10 p.m.

By

Nathan Murata, PhD

Dean, College of Education

and

Debora Halbert

Associate Vice Chancellor for Academic Affairs  
University of Hawai'i at Mānoa

**LATE**

### SB 2211 SD2 HD1 – RELATING TO CONCUSSIONS

Chair Woodson, Vice Chair Kong and members of the committee:

The University of Hawai'i, College of Education (COE) supports the intent of the SB 2211 SD2 HD1, relating to Concussions with amendments. The COE appreciates this legislative body's wisdom and foresight in funding Act 262 in 2016, making Hawai'i one of the first, if not the first, state in the nation to provide funding for concussion baseline and post testing for high school student athletes and providing concussion education to parents, coaches, school personnel, and student athletes grades 9<sup>th</sup> to 12<sup>th</sup>. However, the reach to educate youth athletes to age 11 has been a challenge for the Department of Kinesiology at the University of Hawai'i at Mānoa. There are well over 20 different youth sports all which have a potential risk for sustaining a concussion from collision sports such as football, rugby and motor cross to non contact sports such as cheerleading, track and volleyball. Obtaining contact information for these sports administrators has been the Department's leading obstacle. Furthermore, the COE would like to decrease its, and the state's, potential liability from individuals who would charge that they did not know or were not provided with the current concussion education and awareness by their sports organization. Therefore the COE would like to offer these amendments:

1. Amend SB 2211 SD2 HD1, to maintain ninth (ACT 262) grade for school athletics and maintain 11 years old (ACT 262) for youth athletics. A Department of Health Neurotrauma report for 2012-2016 indicated the ages with the highest rates of TBI in Hawai'i were 0-4 years old and 14-19 years old.
2. Increase the current appropriation by \$180,000 to fund commercial advertising to target all of Hawaii's citizens via television, internet and print media ads. As well as increase the personnel to this program to target the 11 to 13 age groups.



3. Delay implementation to age 8 until FY 2020. The COE will provide a report prior to legislative session 2020 of the current status of its education and awareness program to ages 11 to 13 and report on the feasibility to reach a lower age group.

Thank you for the opportunity to provide testimony on SB 2211 SD2 HD1.

**LATE**

**SB-2211-HD-1**

Submitted on: 3/18/2018 7:07:27 PM

Testimony for EDN on 3/19/2018 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:



**LATE**

**Hawai'i Psychological Association**  
*For a Healthy Hawai'i*

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P.O. Box 833  
Honolulu, HI 96808

[www.hawaiipsychology.org](http://www.hawaiipsychology.org)

Phone: (808) 521-8995

**Representative Justin H. Woodson, Chair**  
**Representative Sam Satoru Kong, Vice Chair**  
HOUSE COMMITTEE ON EDUCATION

**March 19, 2018, 3:10 pm**  
House conference Room 309

**Testimony in SUPPORT of SB2211 SD2 HD1**

The Hawai'i Psychological Association (HPA) supports Senate Bill 2211 SD2 HD1, which further expands the concussion educational program and regulations removing injured athletes from game play established under Act 197, Session Laws of Hawaii 2012, and expanded under Act 262, Session Laws of Hawaii 2016.

Young athletes may incur hundreds of repetitive head impacts (RHI) in one season. Even non-concussive head impacts can cause permanent brain damage. There is a growing consensus among neurologists specializing in CTE that participation in youth sports programs creates a significant risk of permanent brain damage that can lead to clinical depression, behavioral regulation difficulties, and cognitive impairment later in life. Research evidence indicates that the risk for such impairment is correlated with earlier starting ages for participation in youth sports programs.

SB2211 SD2 HD1 specifically address this concern by including all youth athletes, regardless of age.

Thank you for this opportunity to offer testimony in support of SB2211 SD2 HD1.

Respectfully submitted,

Tanya Gamby, Ph.D.  
President  
Hawai'i Psychological Association



**Monday, March 19, 2018 at 3:10 pm**  
**Conference Room 309**

House Committee on Education

To: Representative Justin Woodson, Chair  
Representative Sam Satoru Kong, Vice Chair

From: Jennifer King, DO  
Physician, Pediatric Sports Medicine  
Kapi'olani Medical Center for Women & Children

**Re: Testimony in Support of SB 2211, SD2, HD1 – Relating to Concussions**

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My name is Dr. Jennifer King and I am a pediatric sports medicine physician at Kapi'olani Medical Center for Women & Children. Kapi'olani Medical Center for Women & Children is Hawai'i's only maternity, newborn and pediatric specialty hospital. It is well recognized as Hawai'i's leader in the care of women, infants and children. With 243 beds, the not-for-profit hospital delivers 6,000 babies a year, and is also a medical teaching and research facility. Specialty services for patients throughout Hawai'i and the Pacific Region include intensive care for infants and children, 24-hour emergency pediatric and adult care, critical care air transport and high-risk perinatal care. Over 1,500 employees and more than 630 physicians provide specialty care at Kapi'olani. The hospital is home to the Kapi'olani Women's Center and the Women's Cancer Center, and offers numerous community programs and services, such as specialty pediatric clinics, the Kapi'olani Child Protection Center and the Sex Abuse Treatment Center. Kapi'olani is an affiliate of Hawai'i Pacific Health, one of the state's largest health care providers and a not-for-profit health care system with over 70 locations statewide including medical centers, clinics, physicians and other caregivers serving Hawai'i and the Pacific Region with high quality, compassionate care.

I write in support of SB 2211, SD2, HD1 which further expands the concussion educational program established under Act 197, Session Laws of Hawaii 2012 and expanded under Act 262, Session Laws of Hawaii 2016 to include athletic events beginning from grade 3.

Research demonstrates that even non-concussive head impacts can cause permanent brain damage. Young athletes can experience hundreds of head impacts during a single season of play. Participation in youth sports programs creates a significant risk of permanent brain damage that can lead to clinical depression, behavioral regulation

difficulties, and cognitive impairment later in life. The risk of such impairment is correlated with earlier starting ages for participation in youth sports programs.

This measure will protect the long-term health and welfare of our keiki and young adults by expanding the scope of existing legislation to include all youth athlete, regardless of age.

Thank you for the opportunity to provide testimony on this matter.



**SB 2211sd2,hd1, RELATING TO CONCUSSIONS.**

**House EDN Hearing**

**Monday, March 19, 2018 – 3:10 pm**

**Conference Room 309**

**Position: Support**

Chair Woodson and Members of the House EDU Committee:



I am Gregg Pacilio, PT and Board President of the Hawaii Chapter of the American Physical Therapy Association (HAPTA), a non-profit professional organization serving more than 340 member Physical Therapists and Physical Therapist Assistants. We are movement specialists and are part of the spectrum of care for Hawaii, and provide rehabilitative services for infants and children, youth, adults and the elderly. Rehabilitative services are a vital part of restoring optimum functioning from neuromusculoskeletal injuries and impairments.

Physical therapists provide a unique contribution to the concussion care management team, particularly in the areas of balance and vestibular evaluation and rehabilitation.

The chapter **supports** SB 2211sd2,hd1 and continues to support the Department of Education and Hawaii High School Athletics Association's concussion education program intent to protect children participating in athletic events at public and private schools in the State of Hawaii.

A national survey of 2,012 Americans 18 and older conducted in April 2015 by the Harris Poll on behalf of University of Pittsburgh Medical Center (UPMC)-a global leader in testing, treating, and researching sports-related concussions- found that roughly 9 of 10 respondents couldn't correctly identify what a concussion is. However, about the same number consider it a moderate to severe health concern, and 32% of parents "live in fear" that their child will sustain a concussion, and 1 in 4 parents forbid their children to play some contact sports because of that fear. It is very important to raise awareness on the subject and include all ages. Programs for concussion education prove valuable as concussions are a very recoverable injury if properly identified and receive appropriate care.

Your support of SB 2211sd2,hd1 is appreciated. Thank you for the opportunity to testify. Please feel free to contact Joanne Zazzera, HAPTA's Legislative Chair at 808-221-4001 for further information.

**SB-2211-HD-1**

Submitted on: 3/18/2018 6:09:13 AM

Testimony for EDN on 3/19/2018 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles M. Lepkowsky, Ph.D.	Individual	Support	No

Comments:

As a psychologist with 38 years of experience working with children and adolescents and publishing research on neurocognitive issues, I am writing to endorse SB221 SD2 HD1.

SB221 SD2 HD1 expands the concussion educational program and regulations removing injured athletes from game play established under Act 197, Session Laws of Hawaii 2012, and expanded under Act 262, Session Laws of Hawaii 2016.

Research demonstrates that even non-concussive head impacts can cause permanent brain damage. Young athletes can experience hundreds of head impacts during a single season of play. Participation in youth sports programs creates a significant risk of permanent brain damage that can lead to clinical depression, behavioral regulation difficulties, and cognitive impairment later in life. The risk for such impairment is correlated with earlier starting ages for participation in youth sports programs.

SB2211 SD2 HD1 will protect the long-term health and welfare of children and young adults by expanding the scope of existing legislation to include all youth athletes, regardless of age.

SB2211 SD2 HD1 represents an opportunity for the state of Hawai'i to take a leadership role in the protection of youth athletes.

The cost of funding SB2211 SD2 HD1 might be offset in part by nominal fees paid by participants in youth athletic programs, and in the broader perspective, by reducing the likelihood of injuries and subsequent litigation that might involve schools or the state.

Thank you for this opportunity to offer testimony in support of SB2211 SD2 HD1.

Respectfully submitted,

Charles M. Lepkowsky, Ph.D.

Licensed Psychologist PSY1529





**LATE**

**SB-2211-HD-1**

Submitted on: 3/18/2018 9:54:38 AM

Testimony for EDN on 3/19/2018 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Hufano	Individual	Support	No

Comments:

I strongly support SB2211. This bill is needed to educate and protect our youth athletes and their families about the risk of permanent brain damage as the result of even non-concussive head impacts.

Respectfully submitted,

Linda D. Hufano, Ph.D., Hawaii Licensed Psychologist

# **LATE TESTIMONY**



**Michael A. Kellar, Psy.D.**  
*Fellow, Royal Society of Medicine*  
*Fellow, Royal Society for the Promotion of Health*  
*Fellow, Royal Anthropologic Society*

18 March 2018

Representative Justin H. Woodson, Chair  
Representative Sam Satoru Kong, Vice Chair  
HOUSE COMMITTEE ON EDUCATION

March 19, 2018, 3:10 pm  
House conference Room 309

Testimony in SUPPORT of SB2211 SD2 HD1

I am writing to endorse SB221 SD2 HD1, which expands the concussion educational program and regulations removing injured athletes from game play established under Act 197, Session Laws of Hawaii 2012, and expanded under Act 262, Session Laws of Hawaii 2016.

Research demonstrates that even non-concussive head impacts can cause permanent brain damage. Young athletes can experience hundreds of head impacts during a single season of play. Participation in youth sports programs creates a significant risk of permanent brain damage that can lead to clinical depression, behavioral regulation difficulties, and cognitive impairment later in life. The risk for such impairment is correlated with earlier starting ages for participation in youth sports programs.

SB2211 SD2 HD1 will protect the long-term health and welfare of children and young adults by expanding the scope of existing legislation to include all youth athletes, regardless of age.

Thank you for this opportunity to offer testimony in support of SB2211 SD2 HD1.

Very respectfully,

*Michael Kellar*