

Regular Session, 2011

HOUSE BILL NO. 515

BY REPRESENTATIVES HENRY, ARNOLD, AUSTIN BADON, BROSSETT, HARRISON, KATZ, LIGI, LORUSSO, MONTOUCET, ST. GERMAIN, SCHRODER, AND SIMON AND SENATORS CHEEK, DONAHUE, JACKSON, MICHOT, MOUNT, AND NEVERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE: Provides for the Louisiana Youth Concussion Act

1 AN ACT

2 To enact Part XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950,
3 to be comprised of R.S. 40:1299.181 through 1299.185, relative to concussions and
4 head injuries; to provide for definitions; to provide for concussion education
5 requirements; to provide for the removal of youth athletes from competition upon
6 sustaining a concussion; to provide for requirements which must be satisfied for a
7 youth athlete to return to play after sustaining a concussion or head injury; to provide
8 for the dissemination of concussion information by the Department of Health and
9 Hospitals; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes
12 of 1950, comprised of R.S. 40:1299.181 through 1299.185, is hereby enacted to read as
13 follows:

14 PART XXXVII-A. LOUISIANA YOUTH CONCUSSION ACT

15 §1299.181. Legislative intent

16 A. Concussions are one of the most commonly reported injuries in children
17 and adolescents who participate in sports and recreational activities. The Centers for
18 Disease Control and Prevention estimate that as many as three million nine hundred
19 thousand sports-related and recreation-related concussions occur in the United States

1 each year. A concussion is caused by a blow or motion to the head or body that
2 causes the brain to move rapidly inside the skull. The risk for long-term, chronic
3 cognitive, physical, and emotional symptoms associated with the development of
4 post-concussion syndrome and chronic traumatic encephalopathy, as well the risk for
5 catastrophic injuries or even death, is significant when a concussion or head injury
6 is not properly recognized, evaluated, and managed.

7 B. Continuing to play with a concussion or symptoms of head injury leaves
8 the young athlete especially vulnerable to greater injury and even death. The
9 Legislature of Louisiana recognizes that, despite having generally recognized return
10 to play standards for concussions and head injury, some affected youth athletes are
11 prematurely returned to play resulting in actual or potential physical injury or death
12 to youth athletes in the state of Louisiana.

13 C. The Legislature of Louisiana further recognizes that it is in the best
14 interest of the state to create a uniform education, training, and return to play
15 protocol to be followed throughout the state.

16 §1299.182. Definitions

17 As used in this Part:

18 (1) "Health care provider" means any of the following:

19 (a) A physician as defined in R.S. 37:1262(2).

20 (b) A licensed nurse practitioner.

21 (c) A licensed physician assistant.

22 (d) A licensed psychologist who has received training in neuropsychology
23 or concussion evaluation and management.

24 (2) "Public recreation facility" means a recreation facility owned or leased
25 by the state of Louisiana or a political subdivision thereof.

26 (3) "Youth athletic activity" means an organized athletic activity where the
27 majority of the participants are seven years of age or older and under nineteen years
28 of age, and are engaging in an organized athletic game or competition against
29 another team, club, or entity or in practice or preparation for an organized game or

1 competition against another team, club, or entity. "Youth athletic activity" shall not
2 include college or university activities or an activity which is entered into for
3 instructional purposes only, an athletic activity that is incidental to a nonathletic
4 program, or a lesson.

5 §1299.183. Louisiana youth athlete concussion education requirements

6 A. The governing authority of each public and nonpublic elementary school,
7 middle school, junior high school, and high school shall:

8 (1) Prior to the beginning of each athletic season, provide pertinent
9 information to all coaches, officials, volunteers, youth athletes, and the parents or
10 guardians of youth athletes which informs them of the nature and risk of concussion
11 and head injury, including the risks associated with continuing to play after a
12 concussion or head injury.

13 (2) Require each coach, whether or not such coach is employed or a
14 volunteer, and every official of a youth athletic activity that involves interscholastic
15 play to complete an annual concussion recognition education course which is in
16 accordance with the provisions of Subsection C of this Section.

17 (3) Require as a condition of participation in any athletic activity that the
18 youth athlete and the youth athlete's parent or legal guardian sign a concussion and
19 head injury information sheet which provides adequate notice of the statutory
20 requirements which must be satisfied in order for an athlete who has or is suspected
21 to have suffered a concussion or head injury to return to play.

22 B. Each private club or public recreation facility and each athletic league
23 which sponsors youth athletic activities shall:

24 (1) Prior to the beginning of each athletic season, provide pertinent
25 information to all coaches, officials, volunteers, youth athletes, and their parents or
26 guardians which informs them of the nature and risk of concussion and head injury,
27 including the risks associated with continuing to play after a concussion or head
28 injury.

1 (2) Require each volunteer coach for a youth athletic activity and each coach
2 with whom the club, facility, or league directly contracts with, formally engages, or
3 employs who coaches a youth athletic activity and each official to complete an
4 annual concussion recognition course which is in accordance with the provisions of
5 Subsection C of this Section.

6 (3) Require as a condition of participation in any athletic activities that the
7 youth athlete and the youth athlete's parent or legal guardian sign a concussion and
8 head injury information sheet which includes but is not limited to adequate notice of
9 the statutory requirements which must be satisfied in order for an athlete who has or
10 is suspected to have sustained a concussion or head injury to return to play.

11 C. (1) The concussion recognition education course required by this Section
12 shall include the following information:

13 (a) How to recognize the signs of and symptoms of a concussion.

14 (b) The necessity of obtaining proper medical attention for a person
15 suspected of having sustained a concussion.

16 (c) The nature and risk of concussions, including the danger of continuing
17 to play after sustaining a concussion and the proper method and statutory
18 requirements which must be satisfied in order for a youth athlete to return to play in
19 the athletic activity.

20 (2)(a) An organization or association of which a school or school district is
21 a member may designate specific education courses as sufficient to meet the
22 requirements of Subsection A of this Section.

23 (b) The training material made available by the Centers for Disease Control
24 and Prevention (CDC) entitled, "Heads Up: Concussion in Youth Sports" and any
25 amendments or updates thereto, or other training materials substantively and
26 substantially similar to such CDC materials along with dissemination of a copy of
27 the statutory requirements which must be satisfied in order for a youth athlete who
28 has or is suspected to have sustained a concussion to return to play in the athletic

1 activity shall be deemed to satisfy the education requirements provided for in this
2 Section.

3 §1299.184. Removal from and return to play

4 A. A coach who is required to complete concussion recognition education
5 pursuant to this Part shall immediately remove any youth athlete from a game,
6 competition, or practice if any of the following occur:

7 (1) The youth athlete reports any defined sign or symptom of a concussion.

8 (2) The coach, athletic trainer, or official determines that the youth athlete
9 exhibits any defined sign or symptom of a concussion or suspects that a youth athlete
10 has sustained a concussion following an observed or suspected blow to the head or
11 body.

12 (3) The coach or official is notified that the youth athlete has reported or
13 exhibited any defined sign or symptom of a concussion by any of the following
14 persons:

15 (a) A licensed, registered, or certified medical health care provider operating
16 within their respective scope of practice. The medical health care provider
17 performing an evaluation, for the purposes of this Subsection, upon a youth athlete
18 suspected of sustaining a concussion or brain injury may be a volunteer.

19 (b) Any other licensed, registered, or certified individual whose scope of
20 practice includes the recognition of concussion symptoms. The individual
21 performing an evaluation, for the purposes of this Subsection, upon a youth athlete
22 suspected of sustaining a concussion or brain injury may be a volunteer.

23 B. If a youth athlete is removed from play pursuant to this Section and the
24 signs and symptoms cannot be readily explained by a condition other than
25 concussion, the coach shall notify the athlete's parent or legal guardian and shall not
26 permit the youth athlete to return to play or participate in any supervised team
27 activities involving physical exertion, including games, competitions, or practices,
28 until the youth athlete is evaluated by a health care provider and receives written
29 clearance from the health care provider for a full or graduated return to play.

1 C. After a youth athlete who has sustained a concussion or head injury has
2 been evaluated and received clearance for a graduated return to play from a health
3 care provider, an organization or association of which a school or school district is
4 a member, a private or public school, a private club, a public recreation facility, or
5 an athletic league may allow a licensed athletic trainer with specific knowledge of
6 the athlete's condition to manage the athlete's graduated return to play.

7 D. This Section does not create any liability for, or create a cause of action
8 against, a school, its officers, or its employees, an organization or association of
9 which a school or school district is a member, a private or public school, a private
10 club, a public recreation facility, or an athletic league when such person or entity has
11 complied with the provisions of this Part.

12 §1299.185. Concussion information

13 The office of public health within the Department of Health and Hospitals
14 shall promulgate and make available to all public and private middle schools, junior
15 high schools, and high schools, private clubs, public recreation facilities, and each
16 athletic league which sponsors youth athletic activities information which informs
17 of the nature and risk of concussion and head injury, including the risks associated
18 with continuing to play after a concussion or head injury.

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry

HB No. 515

Abstract: Provides for the Louisiana Youth Concussion Act

Proposed law provides that the governing authority of each public and nonpublic middle school, junior high school, and high school shall:

- (1) Prior to beginning of each athletic season, provide pertinent information to all coaches, officials, volunteers, youth athletes, and their parents or guardians which informs of the nature and risk of concussion and head injury, including the risks associated with continuing to play after a concussion or head injury.
- (2) Require each coach, whether such coach is employed or a volunteer, and every official of a youth athletic activity that involves interscholastic play to complete an annual concussion recognition education course which is in accordance with the provisions of proposed law.
- (3) Require as a condition of participation in any athletic activities that the youth athlete and the youth athlete's parent or legal guardian sign a concussion and head injury information sheet which provides adequate notice of the statutory requirements which must be satisfied in order for an athlete who has or is suspected to have suffered a concussion or head injury to return to play.

Proposed law requires each private club or public recreation facility and each athletic league which sponsors youth athletic activities to:

- (1) Prior to beginning of each athletic season, provide pertinent information to all coaches, officials, volunteers, youth athletes, and their parents or guardians which informs of the nature and risk of concussion and head injury, including the risks associated with continuing to play after a concussion or head injury.
- (2) Require each volunteer coach for a youth athletic activity and each coach with whom the club, facility, or league directly contracts with, formally engages, or employs who coaches a youth athletic activity and each official to complete an annual concussion recognition course which is in accordance with the provisions of proposed law.
- (3) Require as a condition of participation in any athletic activities that the youth athlete and the youth athlete's parent or legal guardian sign a concussion and head injury information sheet which includes but is not limited to adequate notice of the statutory requirements which must be satisfied in order for an athlete who has or is suspected to have sustained a concussion or head injury to return to play.

Proposed law requires that a concussion recognition education course include the following information:

- (1) How to recognize the signs of and symptoms of a concussion.
- (2) The necessity of obtaining proper medical attention for a person suspected of having sustained a concussion.
- (3) The nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method and statutory requirements which must be satisfied in order for a youth athlete to return to play in the athletic activity.

Proposed law provides that the training material made available by the Centers for Disease Control and Prevention (CDC) entitled, "Heads Up: Concussion in Youth Sports" and any amendments or updates thereto, or other training materials substantively and substantially similar to the CDC materials along with dissemination of a copy of the statutory requirements which must be satisfied in order for a youth athlete who has or is suspected to have sustained a concussion to return to play in the athletic activity shall be deemed to satisfy the education requirements provided for in proposed law.

Proposed law requires that a coach who is required to complete concussion recognition education pursuant to proposed law shall immediately remove any youth athlete from a game, competition, or practice if certain conditions are present.

Proposed law requires that if a youth athlete is removed from play and the signs and symptoms cannot be readily explained by a condition other than concussion, the coach shall notify the athlete's parent or legal guardian and shall not permit the youth athlete to return to play or participate in any supervised team activities involving physical exertion, including games, competitions, or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a graduated or full return to play.

Proposed law provides that after a youth athlete who has sustained a concussion or head injury has been evaluated and received clearance for a graduated return to play from a health care provider, an organization or association of which a school or school district is a member, a private or public school, a private club, a public recreation facility, or an athletic league may allow a licensed athletic trainer with specific knowledge of the athlete's condition to manage the athlete's graduated return to play.

Proposed law does not create any liability for, or create a cause of action against, a school, its officers, or its employees, an organization or association of which a school or school district is a member, a private or public school, a private club, a public recreation facility, or an athletic league when such person or entity has complied with the provisions of proposed law.

Proposed law requires DHH to promulgate and make available to all public and private elementary schools, middle schools, junior high schools, and high schools, private clubs, public recreation facilities, and each athletic league which sponsors youth athletic activities information which informs of the nature and risk of concussion and head injury, including the risks associated with continuing to play after a concussion or head injury.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1299.181-1299.185)