

1 H.46
2 Introduced by Representatives Till of Jericho, Ancel of Calais, Andrews of
3 Rutland City, Aswad of Burlington, Bohi of Hartford,
4 Browning of Arlington, Burke of Brattleboro, Buxton of
5 Royalton, Canfield of Fair Haven, Christie of Hartford,
6 Courcelle of Rutland City, Dakin of Chester, Deen of
7 Westminster, Donahue of Northfield, Evans of Essex, Fisher of
8 Lincoln, Font-Russell of Rutland City, Frank of Underhill,
9 French of Shrewsbury, French of Randolph, Haas of Rochester,
10 Head of South Burlington, Heath of Westford, Jerman of Essex,
11 Johnson of South Hero, Keenan of St. Albans City, Kitzmiller
12 of Montpelier, Koch of Barre Town, Krebs of South Hero,
13 Lanpher of Vergennes, Larson of Burlington, Lewis of Derby,
14 Lorber of Burlington, Macaig of Williston, Marcotte of
15 Coventry, Martin of Springfield, Martin of Wolcott, Masland of
16 Thetford, McCullough of Williston, McFaun of Barre Town,
17 Miller of Shaftsbury, Mitchell of Barnard, Mook of Bennington,
18 Moran of Wardsboro, Mrowicki of Putney, Munger of South
19 Burlington, Nuovo of Middlebury, O'Brien of Richmond, Potter
20 of Clarendon, Pugh of South Burlington, Ram of Burlington,
21 Shand of Weathersfield, Sharpe of Bristol, South of

1 St. Johnsbury, Spengler of Colchester, Stevens of Waterbury,
2 Toll of Danville, Townsend of Randolph, Waite-Simpson of
3 Essex, Webb of Shelburne, Wizowaty of Burlington and
4 Yantachka of Charlotte

5 Referred to Committee on

6 Date:

7 Subject: Education; sports; injury; concussions

8 Statement of purpose: This bill proposes to ensure that a youth athlete
9 suffering or suspected to be suffering from a concussion or other head injury
10 does not participate in school athletic activities until the student has received
11 an examination by and written permission to participate from a licensed health
12 care provider trained in the evaluation and management of concussions and
13 other head injuries.

14 An act relating to youth athletes with concussions participating in athletic
15 activities

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 ~~Sec. 1. FINDINGS~~

18 The general assembly finds:

19 (1) A concussion is a disturbance to brain function that can range from
20 mild to severe and can disrupt the way the brain normally works.

1 ~~(2) A concussion is caused by a blow to or motion of the head or body~~
2 ~~that causes the brain to move rapidly inside the skull.~~

3 ~~(3) A concussion can occur with or without loss of consciousness, but~~
4 ~~most concussions occur without loss of consciousness.~~

5 ~~(4) The risks of catastrophic injuries or death are significant when a~~
6 ~~concussion or other head injury is not properly evaluated and managed.~~

7 ~~(5) Concussions can occur during any organized or unorganized sport or~~
8 ~~recreational activity and can result from a fall or from a person colliding with~~
9 ~~one or more other people, with the ground, or with other obstacles.~~

10 ~~(6) The Centers for Disease Control and Prevention estimate that as~~
11 ~~many as 3,900,000 sports-related and recreation-related concussions occur in~~
12 ~~the United States each year.~~

13 ~~(7) Concussions are one of the most commonly reported injuries in~~
14 ~~children and adolescents who participate in athletic and recreational activities.~~

15 ~~(8) Continuing to participate in athletic and recreational activities with a~~
16 ~~concussion or symptoms of a head injury causes children and adolescents to be~~
17 ~~vulnerable to greater injury or even death.~~

18 ~~(9) Despite the existence of recognized return-to-play standards for~~
19 ~~concussions and other head injuries, some children and adolescents in Vermont~~
20 ~~with a concussion or symptoms of a head injury are prematurely permitted to~~

1 ~~participate in athletic and recreational activities, resulting in actual or potential~~
2 physical injury or death.

3 Sec. 2. 16 V.S.A. chapter 31, subchapter 3 is added to read:

4 Subchapter 3. Health and Safety Generally

5 § 1431. CONCUSSIONS AND OTHER HEAD INJURIES

6 (a) Definitions. For purposes of this subchapter:

7 (1) "Coach" means a person who instructs or trains elementary or
8 secondary students on a school athletic team.

9 (2)(A) "Licensed health care provider" means:

10 (i) a physician licensed pursuant to chapter 23 or 33 of Title 26;

11 (ii) an advanced practice registered nurse licensed pursuant to
12 chapter 28 of Title 26;

13 (iii) a physician's assistant licensed pursuant to chapter 31 of Title
14 26; or

15 (iv) an athletic trainer licensed pursuant to chapter 83 of Title 26.

16 (B) "Licensed health care provider" includes a person identified in
17 subdivision (A) of this subdivision (2) who is acting as a volunteer.

18 (3) "School athletic team" includes both a youth athletic team sponsored
19 by a school and a youth athletic team not sponsored by a school if the
20 nonschool-sponsored team trains or competes on school property.

1 ~~(b) Guidelines and other information. The commissioner of education or~~
2 ~~designee, assisted by members of the Vermont Principals' Association selected~~
3 ~~by that association, shall develop statewide guidelines, forms, and other~~
4 ~~materials, and update them when necessary, that are designed to educate~~
5 ~~coaches, youth athletes, and the parents and guardians of youth athletes~~
6 ~~regarding:~~

7 ~~(1) the nature and risks of concussions and other head injuries;~~

8 ~~(2) the risks of premature participation in athletic activities after~~
9 ~~receiving a concussion or other head injury; and~~

10 ~~(3) the importance of obtaining a medical evaluation of a suspected~~
11 ~~concussion or other head injury and receiving treatment when necessary.~~

12 ~~(c) Notice and training. The principal or headmaster of each public and~~
13 ~~approved independent school in the state, or a designee, shall ensure that:~~

14 ~~(1) the information developed pursuant to subsection (b) of this section~~
15 ~~is provided annually to each youth athlete and the athlete's parents or~~
16 ~~guardians;~~

17 ~~(2) each youth athlete and a parent or guardian of the athlete annually~~
18 ~~sign a form acknowledging receipt of the information provided pursuant to~~
19 ~~subdivision (1) of this subsection and return it to the school prior to the~~
20 ~~athlete's participation in training or competition associated with a school~~
21 ~~athletic team;~~

~~(3)(A) each coach of a school sponsored team receive training no less~~

~~frequently than every two years on how to recognize the symptoms of a~~

~~concussion or other head injury; and~~

~~(B) each coach who is new to coaching at the school receive training~~

~~prior to beginning his or her first coaching assignment for the school.~~

~~(d) Participation in athletic activity.~~

~~(1) A coach shall not permit a youth athlete to continue to participate in~~

~~any training session or competition associated with a school athletic team if the~~

~~coach suspects that the athlete has sustained a concussion or other head injury~~

~~during the training session or competition.~~

~~(2) A coach shall not permit a youth athlete who has been prohibited~~

~~from training or competing pursuant to subdivision (2) of this subsection to~~

~~train or compete with a school athletic team until the athlete has been~~

~~examined by and received written permission to participate in athletic activities~~

~~from a licensed health care provider trained in the evaluation and management~~

~~of concussions and other head injuries.~~

~~(e) Nonschool-sponsored teams. The requirements of subsection (c) of this~~

~~section shall be the responsibility of the coach of a nonschool-sponsored team,~~

~~who shall provide a written statement of compliance to the principal or~~

~~headmaster of the school at which the nonschool-sponsored team primarily~~

~~trains or competes.~~

1 ~~(f) Civil liability.~~

2 ~~(1) Neither a coach nor a volunteer, including a licensed health care~~
3 ~~provider, who reasonably does not remove a student athlete from training or~~
4 ~~competition pursuant to subdivision (d)(1) of this section or who reasonably~~
5 ~~authorizes a student athlete to resume participation pursuant to subdivision~~
6 ~~(d)(2) of this section shall be liable in civil damages unless:~~

7 ~~(A) the individual's acts constitute either gross negligence or wanton~~
8 ~~or willful misconduct; or~~

9 ~~(B) the individual will receive or expects to receive remuneration for~~
10 ~~any action connected to the removal or authorization.~~

11 ~~(2) A school district shall not be liable in civil damages for an injury to~~
12 ~~or the death of a youth athlete due to the action or inaction of a person~~
13 ~~employed by, or under contract with, a program involving a youth athletic~~
14 ~~team not sponsored by the school.~~

15 Sec. 3. EFFECTIVE DATE; IMPLEMENTATION

16 ~~This act shall take effect on passage; provided that:~~

17 ~~(1) the guidelines, forms, and other materials required by Sec. 2 of this~~
18 ~~act, 16 V.S.A. § 1431(b), shall be developed and published on the websites of~~
19 ~~the Vermont Principals' Association and the department of education no later~~
20 ~~than July 1, 2011;~~

1 ~~(2) the requirements of Sec. 2 of this act, 16 V.S.A. § 1431(c) (notice~~
2 ~~and training) and (d) (participation), shall be in effect beginning in the autumn~~
3 ~~2011 sports season.~~

Sec. 1. FINDINGS

The general assembly finds:

(1) A concussion is a disturbance to brain function that can range from mild to severe and can disrupt the way the brain normally works.

(2) A concussion is caused by a blow to or motion of the head or body that causes the brain to move rapidly inside the skull.

(3) A concussion can occur with or without loss of consciousness, but most concussions occur without loss of consciousness.

(4) The risks of catastrophic injuries or death are significant when a concussion or other head injury is not properly evaluated and managed.

(5) Concussions can occur during any organized or unorganized sport or recreational activity and can result from a fall or from a person colliding with one or more other people, with the ground, or with other obstacles.

(6) The Centers for Disease Control and Prevention estimates that as many as 3,900,000 sports-related and recreation-related concussions occur in the United States each year.

(7) Concussions are one of the most commonly reported injuries in children and adolescents who participate in athletic and recreational activities.

(8) Continuing to participate in athletic and recreational activities with a concussion or symptoms of a head injury causes children and adolescents to be vulnerable to greater injury or even death.

(9) Despite the existence of recognized return-to-play standards for concussions and other head injuries, some children and adolescents in Vermont with a concussion or symptoms of a head injury are prematurely permitted to participate in athletic and recreational activities, resulting in actual or potential physical injury or death.

Sec. 2. 16 V.S.A. chapter 31, subchapter 3 is added to read:

Subchapter 3. Health and Safety Generally

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. For purposes of this subchapter:

(1) "School athletic team" means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(2) "Coach" means a person who instructs or trains students on a school athletic team.

(3) "Youth athlete" means an elementary or secondary student who is a member of a school athletic team.

(4) "Licensed health care provider" means:

(A) a physician licensed pursuant to chapter 23 or 33 of Title 26;

(B) an advanced practice registered nurse licensed pursuant to chapter 28 of Title 26;

(C) a physician's assistant licensed pursuant to chapter 31 of Title 26;

(D) an athletic trainer licensed pursuant to chapter 83 of Title 26; or

(E) a physical therapist licensed pursuant to chapter 38 of Title 26.

(b) Guidelines and other information. The commissioner of education or designee, assisted by members of the Vermont Principals' Association and the Vermont School Boards Association selected by those associations, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury; and

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the state, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete's parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the

athlete's participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school.

(d) Participation in athletic activity.

(1) A coach shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has reason to believe that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a licensed health care provider trained in the evaluation and management of concussions and other head injuries.

Sec. 3. EFFECTIVE DATE; IMPLEMENTATION

This act shall take effect on passage; provided that:

(1) the guidelines, forms, and other materials required by Sec. 2 of this act, 16 V.S.A. § 1431(b), shall be developed and published on the websites of the Vermont Principals' Association and the department of education no later than July 1, 2011;

(2) the requirements of Sec. 2 of this act, 16 V.S.A. § 1431(c) (notice and training) and (d) (participation), shall be in effect beginning in the autumn 2011 sports season.