Regular Session, 2011

SENATE BILL NO. 189

BY SENATORS CHEEK, DONAHUE, ERDEY, JACKSON, MICHOT, MOUNT AND NEVERS AND REPRESENTATIVES ABRAMSON, ARNOLD, AUSTIN BADON, BALDONE, BARROW, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, DOERGE, GISCLAIR, GUINN, HARRISON, HAZEL, HENRY, HILL, HINES, HOWARD, MICHAEL JACKSON, JOHNSON, KATZ, LABRIZZO, LEBAS, LEGER, LIGI, LORUSSO, MONTOUCET, MORENO, POPE, RICHARD, SCHRODER, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, TEMPLET, THIBAUT, WHITE AND WILLMOTT

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

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

PART XXXVII-A. LOUISIANA YOUTH CONCUSSION ACT

§1299.181. Legislative intent

A. Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimate that as many as three million nine hundred thousand sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk for long-term, chronic cognitive, physical, and emotional symptoms associated with the development of post-concussion syndrome and
chronic traumatic encephalopathy, as well as the risk for catastrophic injuries
or even death, is significant when a concussion or head injury is not properly
recognized, evaluated, and managed.

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

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

§1299.182. Definitions

As used in this Part:

(1) "Health care provider" means a physician as defined in R.S.
37:1262(2), a licensed nurse practitioner, licensed physician assistant, or a
licensed psychologist, which person has received training in neuropsychology
or concussion evaluation and management.

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

(3) "Youth athletic activity" means an organized athletic activity where
the majority of the participants are seven years of age or older and under
nineteen years of age, and are engaging in an organized athletic game or
competition against another team, club, or entity or in practice or preparation
for an organized game or competition against another team, club, or entity.
"Youth athletic activity" shall not include college or university activities or an
activity which is entered into for instructional purposes only, an athletic activity
that is incidental to a nonathletic program, or a lesson.

§1299.183. Louisiana youth athlete concussion education requirements

A. The governing authority of each public and nonpublic elementary
school, 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 legal guardian 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 Subsection C of this Section.

(3) Require as a condition of participation in any athletic activities that the youth athlete and the youth athlete's parents 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.

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

(1) Prior to beginning of each athletic season, provide pertinent information to all coaches, officials, volunteers, youth athletes, and their parents or legal guardian 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 Subsection C of this Section.

(3) Require as a condition of participation in any athletic activities that the youth athlete and the youth athlete's parents 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.

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

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

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

(c) 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.

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

(b) 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, training material made available by the
National Federation of High Schools for the Louisiana High School Athletic
Association 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 this Section.

§1299.184. Removal from and return to play

A. A coach who is required to complete concussion recognition education
pursuant to this Part shall immediately remove any youth athlete from a game,
competition, or practice if any of the following occurs:
(1) The youth athlete reports any defined sign or symptom of a concussion and is reasonably suspected of having sustained a concussion.

(2) The coach, athletic trainer, or official determines that the youth athlete exhibits any defined sign or symptom of a concussion and he reasonably suspects that the youth athlete has sustained a concussion.

(3) The coach or official is notified that the youth athlete has reported or exhibited any defined sign or symptom of a concussion and is reasonably suspected of sustaining a concussion by any of the following persons:

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

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

B. If a youth athlete is removed from play pursuant to this Section 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 full or graduated return to play.

C. 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.

D. This Section 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 this Part.

§1299.185. Concussion information

The office of public health within the Department of Health and
Hospitals shall promulgate and make available to all public and private 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.

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____________