

Regular Session, 2011

SENATE BILL NO. 189

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

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. (gov sig)

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.**

1        The Centers for Disease Control and Prevention estimate that as many as three  
2        million nine hundred thousand sports-related and recreation-related  
3        concussions occur in the United States each year. A concussion is caused by a  
4        blow or motion to the head or body that causes the brain to move rapidly inside  
5        the skull. The risk for long-term, chronic cognitive, physical, and emotional  
6        symptoms associated with the development of post-concussion syndrome and  
7        chronic traumatic encephalopathy, as well as the risk for catastrophic injuries  
8        or even death, is significant when a concussion or head injury is not properly  
9        recognized, evaluated, and managed.

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

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

19       §1299.182. Definitions

20       As used in this Part:

21       (1) "Health care provider" means a physician as defined in R.S.  
22       37:1262(2), a licensed nurse practitioner, licensed physician assistant, or a  
23       licensed psychologist and such person has received training in neuropsychology  
24       or concussion evaluation and management.

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

27       (3) "Youth athletic activity" means an organized athletic activity where  
28       the majority of the participants are seven years of age or older and under  
29       nineteen years of age, and are engaging in an organized athletic game or

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

6 §1299.183. Louisiana youth athlete concussion education requirements

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

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

14 (2) Require each coach, whether such coach is employed or a volunteer,  
15 and every official of a youth athletic activity that involves interscholastic play  
16 to complete an annual concussion recognition education course which is in  
17 accordance with the provisions of Subsection C of this Section.

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

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

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

1        or head injury.

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

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

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

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

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

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

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

25                (b) Training material made available by the Centers for Disease Control  
26       and Prevention "CDC" entitled, "Heads Up: Concussion in Youth Sports" and  
27       any amendments or updates thereto, training material made available by the  
28       National Federation of High Schools for the Louisiana High School Athletic  
29       Association and any amendments or updates thereto, or other training materials

1 substantively and substantially similar to the CDC materials, along with  
2 dissemination of a copy of the statutory requirements which must be satisfied  
3 in order for a youth athlete who has or is suspected to have sustained a  
4 concussion to return to play in the athletic activity, shall be deemed to satisfy  
5 the education requirements provided for in this Section.

6 §1299.184. Removal from and return to play

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

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

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

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

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

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

28 B. If a youth athlete is removed from play pursuant to this Section and  
29 the signs and symptoms cannot be readily explained by a condition other than

1 concussion, the coach shall notify the athlete's parent or legal guardian and  
2 shall not permit the youth athlete to return to play or participate in any  
3 supervised team activities involving physical exertion, including games,  
4 competitions, or practices, until the youth athlete is evaluated by a health care  
5 provider and receives written clearance from the health care provider for a full  
6 or graduated return to play.

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

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

19 §1299.185. Concussion information

20 The office of public health within the Department of Health and  
21 Hospitals shall promulgate and make available to all public and private middle  
22 schools, junior high schools, and high schools, private clubs, public recreation  
23 facilities, and each athletic league which sponsors youth athletic activities  
24 information which informs of the nature and risk of concussion and head  
25 injury, including the risks associated with continuing to play after a concussion  
26 or head injury.

27 Section 2. This Act shall become effective upon signature by the governor or, if not  
28 signed by the governor, upon expiration of the time for bills to become law without signature  
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

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#### DIGEST

Cheek (SB 189)

Proposed law provides that 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/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 proposed law.
- (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.

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/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 proposed law.
- (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.

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 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 LHSAA, 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 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 the governor or lapse of time for gubernatorial action.

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

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill.

1. Adds training materials made available by LHSAA as materials which are deemed to meet the education requirements.