

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, LABRUZZO, 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.

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**
17 **children and adolescents who participate in sports and recreational activities.**
18 **The Centers for Disease Control and Prevention estimate that as many as three**
19 **million nine hundred thousand sports-related and recreation-related**
20 **concussions occur in the United States each year. A concussion is caused by a**
21 **blow or motion to the head or body that causes the brain to move rapidly inside**
22 **the skull. The risk for long-term, chronic cognitive, physical, and emotional**
23 **symptoms associated with the development of post-concussion syndrome and**

1 chronic traumatic encephalopathy, as well as the risk for catastrophic injuries
2 or even death, is significant when a concussion or head injury is not properly
3 recognized, evaluated, and managed.

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

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

13 §1299.182. Definitions

14 As used in this Part:

15 (1) "Health care provider" means a physician as defined in R.S.
16 37:1262(2), a licensed nurse practitioner, licensed physician assistant, or a
17 licensed psychologist, which person has received training in neuropsychology
18 or concussion evaluation and management.

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

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

29 §1299.183. Louisiana youth athlete concussion education requirements

30 A. The governing authority of each public and nonpublic elementary

1 school, middle school, junior high school, and high school shall:

2 (1) Prior to beginning of each athletic season, provide pertinent
3 information to all coaches, officials, volunteers, youth athletes, and their parents
4 or legal guardian which informs of the nature and risk of concussion and head
5 injury, including the risks associated with continuing to play after a concussion
6 or head injury.

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

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

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

19 (1) Prior to beginning of each athletic season, provide pertinent
20 information to all coaches, officials, volunteers, youth athletes, and their parents
21 or legal guardian which informs of the nature and risk of concussion and head
22 injury, including the risks associated with continuing to play after a concussion
23 or head injury.

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

29 (3) Require as a condition of participation in any athletic activities that
30 the youth athlete and the youth athlete's parents or legal guardian sign a

1 concussion and head injury information sheet which includes but is not limited
2 to adequate notice of the statutory requirements which must be satisfied in
3 order for an athlete who has or is suspected to have sustained a concussion or
4 head injury to return to play.

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

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

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

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

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

17 (b) Training material made available by the Centers for Disease Control
18 and Prevention "CDC" entitled, "Heads Up: Concussion in Youth Sports" and
19 any amendments or updates thereto, training material made available by the
20 National Federation of High Schools for the Louisiana High School Athletic
21 Association and any amendments or updates thereto, or other training materials
22 substantively and substantially similar to the CDC materials, along with
23 dissemination of a copy of the statutory requirements which must be satisfied
24 in order for a youth athlete who has or is suspected to have sustained a
25 concussion to return to play in the athletic activity, shall be deemed to satisfy
26 the education requirements provided for in this Section.

27 §1299.184. Removal from and return to play

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

1 (1) The youth athlete reports any defined sign or symptom of a
2 concussion and is reasonably suspected of having sustained a concussion.

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

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

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

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

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

26 C. After a youth athlete who has sustained a concussion or head injury
27 has been evaluated and received clearance for a graduated return to play from
28 a health care provider, an organization or association of which a school or
29 school district is a member, a private or public school, a private club, a public
30 recreation facility, or an athletic league may allow a licensed athletic trainer

1 with specific knowledge of the athlete's condition to manage the athlete's
2 graduated return to play.

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

8 §1299.185. Concussion information

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____