

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 340**

4 (By Senators Stollings, Kessler (Mr. President), Unger, Klempa
5 and Plymale)

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7 [Originating in the Committee on Education;
8 reported February 1, 2012.]

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12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new section, designated §18-2-25a, relating
14 to defining "youth athletes"; requiring the West Virginia
15 Secondary Schools Activities Commission to promulgate rules
16 that address concussions and head injuries in youth athletes;
17 setting forth minimum provisions to be included in the rules;
18 and exempting volunteer health care provider from liability in
19 certain instances.

20 *Be it enacted by the Legislature of West Virginia:*

21 That the Code of West Virginia, 1931, as amended, be amended
22 by adding thereto a new section, designated §18-2-25a, to read as
23 follows:

24 **ARTICLE 2. STATE BOARD OF EDUCATION.**

25 **§18-2-25a. Management of concussions and head injuries in youth**

1 **sports .**

2 (a) The Legislature finds:

3 (1) Concussions are one of the most commonly reported injuries
4 in children and adolescents who participate in sports and
5 recreational activities. The centers for disease control and
6 prevention estimates that as many as three million nine hundred
7 thousand sports-related and recreation-related concussions occur in
8 the United States each year;

9 (2) A concussion is caused by a blow or motion to the head or
10 body that causes the brain to move rapidly inside the skull. The
11 risk of catastrophic injuries or death are significant when a
12 concussion or head injury is not properly evaluated and managed;

13 (3) Concussions are a type of brain injury that can range from
14 mild to severe and can disrupt the way the brain normally works;

15 (4) Concussions can occur in any organized or unorganized
16 sport or recreational activity and can result from a fall or from
17 players colliding with each other, the ground or with obstacles;

18 (5) Concussions occur with or without loss of consciousness,
19 but the vast majority occur without loss of consciousness; and

20 (6) Continuing to play or practice with a concussion or
21 symptoms of head injury leaves the young athlete especially
22 vulnerable to greater injury and even death. The Legislature
23 recognizes that, despite having generally recognized return to play
24 and practice standards for concussion and head injury, some
25 affected youth athletes are prematurely returned to play or
26 practice resulting in actual or potential physical injury or death

1 to youth athletes in the State of West Virginia.

2 (b) For the purposes of this section, "youth athlete" means
3 any athlete under the age of eighteen that is participating in
4 interscholastic athletics at a high school or middle school that is
5 a member of the West Virginia Secondary Schools Activities
6 Commission.

7 (c) The West Virginia Secondary Schools Activities Commission
8 shall promulgate rules pursuant to section twenty-five of this
9 article that address concussions and head injuries in youth
10 athletes: *Provided*, That prior to state board approval and
11 notwithstanding the exemption provided in section three, article
12 one, chapter twenty-nine-a of this code, the state board shall
13 submit the rule to the Legislative Oversight Commission on
14 Education Accountability pursuant to section nine, article three-b,
15 chapter twenty-nine-a of this code. The rules required by this
16 section shall include, but are not limited to, the following:

17 (1) Guidelines, other pertinent information and forms, as
18 appropriate, shall be developed to inform and educate coaches,
19 youth athletes and their parents or guardians of the nature and
20 risk of concussion and head injury including continuing to play or
21 practice after a concussion or head injury;

22 (2) On a yearly basis, a concussion and head injury
23 information sheet shall be signed and returned by the youth athlete
24 and the athlete's parent or guardian before the youth athlete's
25 initiating practice or competition;

26 (3) A youth athlete who is suspected of sustaining a

1 concussion or head injury in a practice or game shall be removed
2 from competition at that time; and

3 (4) A youth athlete who has been removed from play or practice
4 may not return to play or practice until the athlete is evaluated
5 by a licensed health care provider trained in the evaluation and
6 management of concussions and receives written clearance to return
7 to play and practice from that licensed health care provider. The
8 health care provider may be a volunteer. A volunteer who
9 authorizes a youth athlete to return to play and practice is not
10 liable for civil damages resulting from any act or omission in the
11 rendering of such care, other than acts or omissions constituting
12 gross negligence or willful or wanton misconduct. For the purposes
13 of this section, a licensed health care provider shall be a medical
14 doctor licensed under the provisions of article three, chapter
15 thirty of this code, a doctor of osteopathy licensed under the
16 provisions of article fourteen, chapter thirty of this code, an
17 advanced registered nurse practitioner licensed under the
18 provisions of article seven, chapter thirty of this code, a
19 physicians assistant as licensed under the provisions of article
20 three, chapter thirty of this code and a licensed certified
21 athletic trainer licensed under article twenty-a, chapter thirty of
22 this code.