

**Senate Bill No. 340**

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

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[Introduced January 18, 2012; referred to the Committee on  
Education; and then to the Committee on the Judiciary.]  
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A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §18-2-25a, relating  
to requiring the proposal and adoption of rules for the  
management of concussion and head injury in youth sports.

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

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

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

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

(a) The Legislature finds:

(1) Concussions are one of the most commonly reported injuries

1 in children and adolescents who participate in sports and  
2 recreational activities. The centers for disease control and  
3 prevention estimates that as many as three million nine hundred  
4 thousand sports-related and recreation-related concussions occur in  
5 the United States each year.

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

10 (3) Concussions are a type of brain injury that can range from  
11 mild to severe and can disrupt the way the brain normally works.

12 (4) Concussions can occur in any organized or unorganized  
13 sport or recreational activity and can result from a fall or from  
14 players colliding with each other, the ground or with obstacles.

15 (5) Concussions occur with or without loss of consciousness,  
16 but the vast majority occur without loss of consciousness.

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

24 (b) Notwithstanding the exemption provided in section three,

1 article one, chapter twenty-nine-a of this code, the West Virginia  
2 Secondary School Activities Commission shall propose rules for  
3 legislative approval under the provisions of article three, chapter  
4 twenty-nine-a of this code, as appropriate for developing the  
5 guidelines and other pertinent information and forms to inform and  
6 educate coaches, youth athletes, and their parents or guardians  
7 both, of the nature and risk of concussion and head injury  
8 including continuing to play after concussion or head injury. The  
9 rules required by this section shall include, but are not limited  
10 to, the following:

11       (1) On a yearly basis, a concussion and head injury  
12 information sheet shall be signed and returned by the youth athlete  
13 and the athlete's parent or guardian before the youth athlete's  
14 initiating practice or competition. For the purposes of this  
15 section, a youth athlete shall be any athlete under the age of  
16 eighteen.

17       (2) A youth athlete who is suspected of sustaining a  
18 concussion or head injury in a practice or game shall be removed  
19 from competition at that time.

20       (3) A youth athlete who has been removed from play may not  
21 return to play until the athlete is evaluated by a licensed health  
22 care provider trained in the evaluation and management of  
23 concussion and receives written clearance to return to play from  
24 that licensed health care provider. The health care provider may

1 be a volunteer. A volunteer who authorizes a youth athlete to  
2 return to play is not liable for civil damages resulting from any  
3 act or omission in the rendering of such care, other than acts or  
4 omissions constituting gross negligence or willful or wanton  
5 misconduct. For the purposes of this section, a licensed health  
6 care provider shall be a medical doctor licensed under the  
7 provisions of article three, chapter thirty of this code, a doctor  
8 of osteopathy licensed under the provisions of article fourteen,  
9 chapter thirty of this code, an advanced registered nurse  
10 practitioner licensed under the provisions of article seven,  
11 chapter thirty of this code, a physicians assistant as licensed  
12 under the provisions of article three, chapter thirty of this code  
13 and a licensed certified athletic trainer licensed under article  
14 twenty-a, chapter thirty of this code.

NOTE: The purpose of this bill is to require the West Virginia  
Secondary School Activities Commission to propose legislative rules  
concerning the management of concussions and head injuries in youth  
sports.

This section is new; therefore, strike-throughs and  
underscoring have been omitted.