

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 336**

7 (SENATORS STOLLINGS, WELLS, PLYMALE, BARNES, BEACH, UNGER, PALUMBO, KESSLER

8 (MR. PRESIDENT) AND JENKINS, *original sponsors*)

9 _____
10 [Passed April 13, 2013; in effect ninety days from passage.]

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14 AN ACT to amend the Code of West Virginia, 1931, as amended, by
15 adding thereto a new section, designated §18-2-25a, relating
16 to establishing protocols and protections to limit and treat
17 injury to youth athletes and students; making legislative
18 findings with respect to concussions and athletic endeavors;
19 defining certain terms; requiring certain rules; and setting
20 forth certain minimum provisions of rules.

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

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

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

2 **§18-2-25a. Management of concussions and head injuries in**
3 **athletics at West Virginia Secondary School**
4 **Activities Commission member high school or middle**
5 **school.**

6 (a) The Legislature makes the following findings:

7 (1) Concussions are one of the most commonly reported injuries
8 in children and adolescents who participate in sports and
9 recreational activities. The Centers for Disease Control and
10 Prevention estimates that as many as 3.9 million sports-related and
11 recreation-related concussions occur in the United States each
12 year;

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

17 (3) Concussions are a type of brain injury that can range from
18 mild to severe and can disrupt the way the brain normally
19 functions;

20 (4) Concussions can occur in any organized or unorganized
21 sport or recreational activity and can result from a fall or from
22 players colliding with each other or with obstacles;

23 (5) Concussions occur with or without loss of consciousness,
24 but the vast majority occur without loss of consciousness;

1 (6) The interscholastic athlete who continues to play or
2 practice with a concussion or symptoms of head injury is especially
3 vulnerable to greater injury and even death; and

4 (7) Even with generally recognized return-to-play-and-practice
5 standards for concussion and head injury, some affected
6 interscholastic athletes are prematurely returned to play or
7 practice resulting in increased risk of physical injury or death to
8 the athletes in the State of West Virginia.

9 (b) For the purposes of this section, "interscholastic
10 athlete" means any athlete who is participating in interscholastic
11 athletics at a high school or middle school that is a member of the
12 West Virginia Secondary School Activities Commission. "Licensed
13 health care professional" means a health care provider whose
14 licensed scope of practice includes the ability to diagnose and
15 treat an injury or disease.

16 (c) The West Virginia Secondary School Activities Commission
17 shall promulgate rules pursuant to section twenty-five of this
18 article that address concussions and head injuries in
19 interscholastic athletes: *Provided*, That prior to state board
20 approval and notwithstanding the exemption provided in section
21 three, article one, chapter twenty-nine-a of this code, the state
22 board shall submit the rule to the Legislative Oversight Commission
23 on Education Accountability pursuant to section nine, article
24 three-b of said chapter.

1 (d) The rules required by this section shall include, but are
2 not limited to, the following:

3 (1) Guidelines and other pertinent information to inform and
4 educate appropriate school administrators, coaches, interscholastic
5 athletes and their parents or guardians of the nature and risk of
6 concussion and head injury including the risks of continuing to
7 play or practice after a concussion or head injury;

8 (2) A concussion and head injury information sheet that shall
9 be signed and returned by the interscholastic athlete and the
10 athlete's parent or guardian on an annual basis before the
11 interscholastic athlete begins practice or competition;

12 (3) A requirement that each head coach of an interscholastic
13 sport at a high school or middle school who is a member of the West
14 Virginia Secondary School Activities Commission complete a
15 commission-approved concussion and head injury recognition and
16 return-to-play protocol course annually;

17 (4) A requirement that an interscholastic athlete who is
18 suspected by a licensed health care professional or by his or her
19 head coach or athletic trainer of having sustained a concussion or
20 head injury in a practice or game shall be removed from competition
21 at that time;

22 (5) A requirement that an interscholastic athlete who has been
23 removed from play or practice may not return to play or practice
24 until the athlete is evaluated by a licensed health care

1 professional trained in the evaluation and management of
2 concussions and receives written clearance to return to play and
3 practice from the licensed health care professional;

4 (6) A list of the respective categories of licensed health
5 care professionals who, if properly trained in the evaluation and
6 management of concussions, are authorized to provide written
7 clearance for the interscholastic athlete to return to play; and

8 (7) A requirement that all member schools must submit a report
9 to the West Virginia Secondary School Activities Commission within
10 thirty days of an interscholastic athlete suffering or being
11 suspected of suffering a concussion or head injury in a practice or
12 game. The report must state whether an evaluation by a licensed
13 health care professional verified that a concussion or head injury
14 was actually suffered, whether the athlete received written
15 clearance to return to play or practice and, if written clearance
16 was given, the number of days between the incident and the actual
17 return to play or practice. If written clearance to return to play
18 is given after thirty days of the incident, a report update shall
19 be submitted. The West Virginia Secondary School Activities
20 Commission shall compile and submit the reports to the appropriate
21 state and national organization or agencies to analyze and make
22 determinations on whether the rule required by this section needs
23 to be amended or if equipment worn by interscholastic athlete needs
24 to be changed accordingly.