

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 336**

(SENATORS STOLLINGS, WELLS, PLYMALE, BARNES, BEACH,  
UNGER, PALUMBO, KESSLER (MR. PRESIDENT) AND JENKINS,  
*ORIGINAL SPONSORS*)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

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

*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 athletics at West Virginia Secondary School Activities Commission member high school or middle school.**

1 (a) The Legislature makes the following findings:

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

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

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

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

20 (5) Concussions occur with or without loss of  
21 consciousness, but the vast majority occur without loss of  
22 consciousness;

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

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

31 (b) For the purposes of this section, “interscholastic  
32 athlete” means any athlete who is participating in  
33 interscholastic athletics at a high school or middle school that  
34 is a member of the West Virginia Secondary School  
35 Activities Commission. “Licensed health care professional”  
36 means a health care provider whose licensed scope of  
37 practice includes the ability to diagnose and treat an injury or  
38 disease.

39 (c) The West Virginia Secondary School Activities  
40 Commission shall promulgate rules pursuant to section  
41 twenty-five of this article that address concussions and head  
42 injuries in interscholastic athletes: *Provided*, That prior to  
43 state board approval and notwithstanding the exemption  
44 provided in section three, article one, chapter twenty-nine-a  
45 of this code, the state board shall submit the rule to the  
46 Legislative Oversight Commission on Education  
47 Accountability pursuant to section nine, article three-b of said  
48 code.

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

51 (1) Guidelines and other pertinent information to inform  
52 and educate appropriate school administrators, coaches,  
53 interscholastic athletes and their parents or guardians of the  
54 nature and risk of concussion and head injury including the  
55 risks of continuing to play or practice after a concussion or  
56 head injury;

57 (2) A concussion and head injury information sheet that  
58 shall be signed and returned by the interscholastic athlete and

59 the athlete's parent or guardian on an annual basis before the  
60 interscholastic athlete begins practice or competition;

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

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

72 (5) A requirement that an interscholastic athlete who has  
73 been removed from play or practice may not return to play or  
74 practice until the athlete is evaluated by a licensed health care  
75 professional trained in the evaluation and management of  
76 concussions and receives written clearance to return to play  
77 and practice from the licensed health care professional;

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

83 (7) A requirement that all member schools must submit  
84 a report to the West Virginia Secondary School Activities  
85 Commission within thirty days of an interscholastic athlete  
86 suffering or being suspected of suffering a concussion or  
87 head injury in a practice or game. The report must state  
88 whether an evaluation by a licensed health care professional  
89 verified that a concussion or head injury was actually  
90 suffered, whether the athlete received written clearance to

91 return to play or practice and, if written clearance was given,  
92 the number of days between the incident and the actual return  
93 to play or practice. If written clearance to return to play is  
94 given after thirty days of the incident, a report update shall be  
95 submitted. The West Virginia Secondary School Activities  
96 Commission shall compile and submit the reports to the  
97 appropriate state and national organization or agencies to  
98 analyze and make determinations on whether the rule  
99 required by this section needs to be amended or if equipment  
100 worn by interscholastic athlete needs to be changed  
101 accordingly.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2013.

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*Governor*