

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

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.

.....
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

The within this the
Day of, 2013.

.....
Governor