### **WEST VIRGINIA LEGISLATURE**

## EIGHTY-FIRST LEGISLATURE REGULAR SESSION, 2013

#### ENROLLED

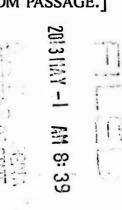
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**FOR** 

## 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;
- (3) Concussions are a type of brain injury that can range
  from mild to severe and can disrupt the way the brain
  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

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- 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.
- (b) For the purposes of this section, "interscholastic 31 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.
  - (c) The West Virginia Secondary School Activities Commission shall promulgate rules pursuant to section twenty-five of this article that address concussions and head injuries in interscholastic athletes: *Provided*, That prior to state board approval and notwithstanding the exemption provided in section three, article one, chapter twenty-nine-a of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to section nine, article three-b of said code.
  - (d) The rules required by this section shall include, but are not limited to, the following:
  - (1) Guidelines and other pertinent information to inform and educate appropriate school administrators, coaches, interscholastic athletes and their parents or guardians of the nature and risk of concussion and head injury including the risks of continuing to play or practice after a concussion or head injury;
  - (2) A concussion and head injury information sheet that shall be signed and returned by the interscholastic athlete and

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- the athlete's parent or guardian on an annual basis before the 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;
  - (4) A requirement that an interscholastic athlete who is suspected by a licensed health care professional or by his or her head coach or athletic trainer of having sustained a concussion or head injury in a practice or game shall be removed from competition at that time;
  - (5) A requirement that an interscholastic athlete who has been removed from play or practice may not return to play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return to play and practice from the licensed health care professional;
  - (6) A list of the respective categories of licensed health care professionals who, if properly trained in the evaluation and management of concussions, are authorized to provide written clearance for the interscholastic athlete to return to play; and
  - (7) A requirement that all member schools must submit a report to the West Virginia Secondary School Activities Commission within thirty days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. The report must state whether an evaluation by a licensed health care professional verified that a concussion or head injury was actually suffered, whether the athlete received written clearance to

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

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

Source Source	Committee	
Member — Chairman Senot	Chairman House C	Wellz Committee
Originated in the Sen	ate.	20
In effect ninety days	from passage.	80 E
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Clerk of the	he House of Delegates	SIAE 839
	President of the Senate	_
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	Carl Ray	_Somble "

#### PRESENTED TO THE GOVERNOR

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