LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 260

Introduced by Lathrop, 12.

Read first time January 11, 2011

Committee:

A BILL

FOR AN ACT relating to sports-related injuries; to adopt the Concussion Awareness Act; and to provide an operative date.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Concussion Awareness Act.

Sec. 2. (1) The Legislature finds that concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities and that the risk of catastrophic injury or death is significant when a concussion or brain injury is not properly evaluated and managed.

(2) The Legislature further finds that concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occurs without loss of consciousness.

(3) The Legislature further finds that continuing to play with a concussion or symptoms of brain injury leaves a young athlete especially vulnerable to greater injury and even death. The Legislature recognizes that, despite having generally recognized return-to-play standards for concussion and brain injury, some young athletes are prematurely returned to play, resulting in actual or potential physical injury or death.

Sec. 3. For purposes of the Concussion Awareness Act, licensed health care professional means a physician, an athletic trainer, a neuropsychologist, or some other qualified individual who

(1) is registered, licensed, certified, or otherwise statutorily recognized by the State of Nebraska to provide medical treatment and (2) is experienced in the diagnosis and management of traumatic brain injuries among a pediatric population.

Sec. 4. (1) Each approved or accredited public, private, denominational, or parochial school shall:

(a) Make available training approved by the Board of Medicine and Surgery on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches of school athletic teams; and

(b) Require that concussion and brain injury information be provided on an annual basis to the student and the student's parent or guardian prior to the student initiating practice or competition. The information provided to the student and the student's parent or guardian shall include, but not be limited to:

(i) The risks posed by sustaining a concussion;

(ii) The actions a student should take in response to sustaining a concussion, including the notification of his or her coaches; and

(iii) The signs and symptoms of a concussion.

(2)(a) A student who participates on a school athletic team and is suspected by a coach, an athletic trainer, or a medical professional of sustaining a concussion or brain injury in a practice or game shall be removed from the practice or game at that time. Such

student shall not be permitted to participate in any school supervised team athletic activities involving physical exertion, including, but not limited to, practices or games, until the student has been evaluated by a licensed health care professional and has received written clearance to resume participation in athletic activities from the licensed health care professional.

(b) If a student is suspected of sustaining a concussion or brain injury and is removed from an athletic activity under subdivision (2)(a) of this section, the parent or guardian of the student shall be notified by the school of the date, time, and extent of the injury suffered by the student and any actions taken to treat the student.

Sec. 5. (1) Any city, village, business, or nonprofit organization that organizes an athletic activity in which the athletes are nineteen years of age or younger and are required to pay a fee to participate in the athletic activity or whose cost to participate in the athletic activity is sponsored by a business or nonprofit organization shall:

(a) Provide information on concussions and brain injuries to all coaches and athletes and to a parent or guardian of each athlete that shall include, but not be limited to:

(i) The risks posed by sustaining a concussion;

(ii) The actions an athlete should take in response to sustaining a concussion, including the notification of his or her coaches; and

(iii) The signs and symptoms of a concussion; and

(b) Make available training approved by the Board of Medicine and Surgery on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches.

(2)(a) An athlete who participates in an athletic activity under subsection (1) of this section and is suspected by a coach, an athletic trainer, or a medical professional of sustaining a concussion or brain injury in a practice or game shall be removed from the practice or game at that time. Such athlete shall not be permitted to participate in any supervised athletic activities involving physical exertion, including, but not limited to, practices or games, until the athlete has been evaluated by a licensed health care professional and has received written clearance to resume participation in athletic activities from the licensed health care professional.

(b) If an athlete is suspected of sustaining a concussion or brain injury and is removed from an athletic activity under subdivision (2)(a) of this section, the parent or guardian of the athlete shall be notified by the coach or a representative of the city, village, business, or nonprofit organization that organized the athletic activity of the date, time, and extent of the injury suffered by the athlete and any actions taken to treat the athlete.

Sec. 6. Nothing in the Concussion Awareness Act shall be construed to create liability for or modify the liability or immunity

of a school, school district, city, village, business, or nonprofit organization or the officers, employees, or volunteers of any such school, school district, city, village, business, or nonprofit organization.

Sec. 7. This act becomes operative on July 1, 2012.