

1 S.4

2 Introduced by Senators Sears, Ashe, and Campbell

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; concussions and other head injuries; liability and
6 prevention

7 Statement of purpose: This bill proposes to: (1) require that school athletic
8 coaches and referees receive training on how to prevent concussions from
9 occurring during athletic activities; (2) prohibit a coach or an athletic trainer
10 from allowing an athlete to continue participating in a school athletic event if
11 the trainer knows or should know that the athlete has sustained a concussion or
12 other head injury; (3) require that a health care provider be consulted if a coach
13 and an athletic trainer do not agree as to whether an athlete has sustained a
14 concussion or other head injury; and (4) require the home team to ensure that a
15 licensed athletic trainer or a health care provider is present at any athletic event
16 involving a contact sport, and to notify the visiting team's athletic director if an
17 athlete on the visiting team suffers a serious injury.

18 An act relating to concussions and school athletic activities

19 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 12 V.S.A. § 1043 is added to read:

2 § 1043. LIABILITY FOR AND PREVENTION OF CONCUSSIONS AND

3 OTHER HEAD INJURIES

4 (a) Definitions. As used in this subchapter:

5 (1) “Athletic trainer” means a person licensed as an athletic trainer in
6 accordance with the provisions of 26 V.S.A. chapter 83.

7 (2) “Coach” means a person who instructs or trains students on a school
8 athletic team.

9 (3) “Contact sport” means a sport in which the participants necessarily
10 come into bodily contact with one another as a normal part of play.

11 (4) “Health care provider” means a physician licensed pursuant to
12 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed
13 pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed pursuant to
14 26 V.S.A. chapter 31 who is:

15 (A) trained annually in the evaluation and management of
16 concussions and other head injuries; and

17 (B) receives annual continuing education in the prevention,
18 identification, and treatment of concussions and other head injuries.

19 (5) “School athletic team” means an interscholastic athletic team or club
20 sponsored by a public or approved independent school for elementary or
21 secondary students.

1 (6) “Youth athlete” means an elementary or secondary student who is a
2 member of a school athletic team.

3 (b) Guidelines and other information. The secretary of education or
4 designee, assisted by members of the Vermont Principals’ Association selected
5 by that association, shall develop statewide guidelines, forms, and other
6 materials, and update them when necessary, that are designed to educate
7 coaches, youth athletes, and the parents and guardians of youth athletes
8 regarding:

9 (1) the nature and risks of concussions and other head injuries;

10 (2) the risks of premature participation in athletic activities after
11 receiving a concussion or other head injury;

12 (3) the importance of obtaining a medical evaluation of a suspected
13 concussion or other head injury and receiving treatment when necessary;

14 (4) effective methods to prevent concussions from occurring during
15 athletic activities; and

16 (5) protocols and standards for clearing a youth athlete to return to play
17 following a concussion or other head injury, including treatment plans for such
18 athletes.

19 (c) Notice and training. The principal or headmaster of each public and
20 approved independent school in the state, or a designee, shall ensure that:

1 (1) the information developed pursuant to subsection (b) of this section
2 is provided annually to each youth athlete and the athlete's parents or
3 guardians;

4 (2) each youth athlete and a parent or guardian of the athlete annually
5 sign a form acknowledging receipt of the information provided pursuant to
6 subdivision (1) of this subsection and return it to the school prior to the
7 athlete's participation in training or competition associated with a school
8 athletic team;

9 (3)(A) each coach of a school athletic team receive annual training on
10 how to recognize the symptoms of a concussion or other head injury, how to
11 prevent concussions from occurring during athletic activities, and how to teach
12 athletes the proper techniques for avoiding concussions; and

13 (B) each coach who is new to coaching at the school receive training
14 prior to beginning his or her first coaching assignment for the school; and

15 (4) each referee of a contest involving a school athletic team receive
16 annual training on how to prevent concussions from occurring during athletic
17 activities.

18 (d) Participation in athletic activity.

19 (1) A coach or athletic trainer shall not permit a youth athlete to
20 continue to participate in any training session or competition associated with a
21 school athletic team if the coach or athletic trainer knows or should know that

1 the athlete has sustained a concussion or other head injury during the training
2 session or competition. A health care provider's opinion as to whether the
3 athlete has sustained a concussion or other head injury shall be followed by the
4 coach and the athletic trainer. If the coach and the athletic trainer disagree as
5 to whether the youth athlete has sustained a concussion or other head injury,
6 the athlete shall not continue to participate in the training session or
7 competition until a health care provider's opinion has been obtained.

8 (2)(A) Except as provided in subdivision (B) of this subdivision (2), a
9 coach or athletic trainer shall not permit a youth athlete who has been
10 prohibited from training or competing pursuant to subdivision (1) of this
11 subsection to train or compete with a school athletic team until the athlete has
12 been examined by and received written permission to participate in athletic
13 activities from a health care provider.

14 (B) If the coach and the athletic trainer agree that a youth athlete who
15 has been prohibited from training or competing pursuant to subdivision (1) of
16 this subsection has sustained a concussion or other head injury, the
17 examination and written permission required by subdivision (A) of this
18 subdivision (2) may be provided by an athletic trainer or a health care provider.

19 (e) The home team shall ensure that an athletic trainer or a health care
20 provider is present at any athletic event in which a school athletic team
21 participates in a contact sport. If an athlete on the visiting team suffers a

1 serious injury during the athletic event, the trainer or health care provider shall
2 notify the visiting team's athletic director within 48 hours after the injury
3 occurs.

4 Sec. 2. REPEAL

5 16 V.S.A. § 1431 (concussions and other head injuries) is repealed.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2013.