



House of Representatives

File No. 690

General Assembly

February Session, 2014

(Reprint of File Nos. 144 and 622)

Substitute House Bill No. 5113
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
April 28, 2014

AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-149b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 (a) (1) For the school year commencing July 1, 2010, and each school
4 year thereafter, any person who holds or is issued a coaching permit
5 by the State Board of Education and is a coach of intramural or
6 interscholastic athletics shall complete an initial training course
7 regarding concussions, [and head injuries] which are a type of brain
8 injury, developed or approved pursuant to subdivision (1) of
9 subsection (b) of this section, prior to commencing the coaching
10 assignment for the season of such school athletics.

11 (2) For the school year commencing July 1, [2011] 2014, and each
12 school year thereafter, [and after completion of] any coach who has
13 completed the initial training course described in subdivision (1) of
14 this subsection [, such coach] shall annually review current and
15 relevant information regarding concussions, [and head injuries,]

16 prepared or approved pursuant to subdivision (2) of subsection (b) of
17 this section, prior to commencing the coaching assignment for the
18 season of such school athletics. Such annual review shall not be
19 required in any year when such coach is required to complete the
20 refresher course, pursuant to subdivision (3) of this subsection, for
21 reissuance of his or her coaching permit.

22 (3) For the school year commencing July 1, 2015, and each school
23 year thereafter, a coach shall complete a refresher course, developed or
24 approved pursuant to subdivision (3) of subsection (b) of this section,
25 not later than five years after completion of the initial training course,
26 as a condition of the reissuance of a coaching permit to such coach.
27 Such coach shall thereafter retake such refresher course at least once
28 every five years as a condition of the reissuance of a coaching permit to
29 such coach.

30 (b) (1) [On or before July 1, 2010, the] The State Board of Education,
31 in consultation with (A) the Commissioner of Public Health, (B) the
32 governing authority for intramural and interscholastic athletics, [(B)]
33 (C) an appropriate organization representing licensed athletic trainers,
34 and [(C)] (D) an organization representing county medical
35 associations, shall develop or approve a training course regarding
36 concussions, [and head injuries.] Such training course shall include,
37 but not be limited to, (i) the recognition of the symptoms of a
38 concussion, [or head injury,] (ii) the means of obtaining proper medical
39 treatment for a person suspected of having a concussion, [or head
40 injury,] and (iii) the nature and risk of concussions, [and head injuries,]
41 including the danger of continuing to [play] engage in athletic activity
42 after sustaining a concussion [or head injury] and the proper method
43 of allowing a student athlete who has sustained a concussion [or head
44 injury] to return to athletic activity.

45 (2) On or before [July 1, 2011] October 1, 2014, and annually
46 thereafter, the State Board of Education, in consultation with the
47 Commissioner of Public Health and the organizations described in
48 subparagraphs (B) to (D), inclusive, of subdivision (1) of this

49 subsection, shall [prepare] develop or approve annual review
50 materials regarding current and relevant information about
51 concussions. [and head injuries.]

52 (3) [On or before January 1, 2014, the] The State Board of Education,
53 in consultation with the Commissioner of Public Health and the
54 organizations described in subparagraphs (B) to (D), inclusive, of
55 subdivision (1) of this subsection, shall develop or approve a refresher
56 course regarding concussions. [and head injuries.] Such refresher
57 course shall include, but not be limited to, (A) an overview of key
58 recognition and safety practices, (B) an update on medical
59 developments and current best practices in the field of concussion
60 research, [and] prevention and treatment, [and] (C) an update on new
61 relevant federal, state and local laws and regulations, and (D) for
62 football coaches, current best practices regarding coaching the sport of
63 football, including, but not limited to, frequency of games and full
64 contact practices and scrimmages as identified by the governing
65 authority for intramural and interscholastic athletics.

66 (c) On or before January 1, 2015, the State Board of Education, in
67 consultation with the Commissioner of Public Health and the
68 organizations described in subparagraphs (B) to (D), inclusive, of
69 subdivision (1) of subsection (b) of this section, shall develop or
70 approve a concussion education plan for use by local and regional
71 boards of education. Each local and regional board of education shall
72 implement such plan by utilizing written materials, online training or
73 videos or in person training that shall address, at a minimum: (1) The
74 recognition of signs or symptoms of concussion, (2) the means of
75 obtaining proper medical treatment for a person suspected of
76 sustaining a concussion, (3) the nature and risks of concussions,
77 including the danger of continuing to engage in athletic activity after
78 sustaining a concussion, (4) the proper procedures for allowing a
79 student athlete who has sustained a concussion to return to athletic
80 activity, and (5) current best practices in the prevention and treatment
81 of a concussion.

82 (d) For the school year commencing July 1, 2015, and each school
83 year thereafter, each local and regional board of education shall
84 prohibit a student athlete from participating in any intramural or
85 interscholastic athletic activity unless the student athlete, and a parent
86 or guardian of such student athlete, (1) reads written materials, (2)
87 views online training or videos, or (3) attends in-person training
88 regarding the concussion education plan developed or approved
89 pursuant to subsection (c) of this section.

90 (e) (1) On or before July 1, 2015, the State Board of Education, in
91 consultation with the Commissioner of Public Health and the
92 organizations described in subparagraphs (B) to (D), inclusive, of
93 subdivision (1) of subsection (b) of this section, shall develop or
94 approve an informed consent form to distribute to the parents and
95 legal guardians of student athletes involved in intramural or
96 interscholastic athletic activities regarding concussions. Such informed
97 consent form shall include, at a minimum, (A) a summary of the
98 concussion education plan developed or approved pursuant to
99 subsection (c) of this section, and (B) a summary of the applicable local
100 or regional board of education's policies regarding concussions.

101 (2) For the school year commencing July 1, 2015, and each school
102 year thereafter, each school shall provide each participating student
103 athlete's parent or legal guardian with a copy of the informed consent
104 form developed or approved pursuant to subdivision (1) of this
105 subsection and obtain such parent's or legal guardian's signature,
106 attesting to the fact that such parent or legal guardian has received a
107 copy of such form and authorizes the student athlete to participate in
108 the athletic activity.

109 [(c)] (f) The State Board of Education may revoke the coaching
110 permit, in accordance with the provisions of subsection (i) of section
111 10-145b, of any coach found to be in violation of this section.

112 Sec. 2. Section 10-149c of the general statutes is repealed and the
113 following is substituted in lieu thereof (Effective July 1, 2014):

114 (a) (1) The coach of any intramural or interscholastic athletics shall
115 immediately remove a student athlete from participating in any
116 intramural or interscholastic athletic activity who (A) is observed to
117 exhibit signs, symptoms or behaviors consistent with a concussion
118 following an observed or suspected blow to the head or body, or (B) is
119 diagnosed with a concussion, regardless of when such concussion [or
120 head injury] may have occurred. Upon such removal, a qualified
121 school employee, as defined in subsection (e) of section 10-212a, shall
122 notify the student athlete's parent or legal guardian that the student
123 athlete has exhibited such signs, symptoms or behaviors consistent
124 with a concussion or has been diagnosed with a concussion. Such
125 qualified school employee shall provide such notification not later than
126 twenty-four hours after such removal and shall make a reasonable
127 effort to provide such notification immediately after such removal.

128 (2) The coach shall not permit such student athlete to participate in
129 any supervised team activities involving physical exertion, including,
130 but not limited to, practices, games or competitions, until such student
131 athlete receives written clearance to participate in such supervised
132 team activities involving physical exertion from a licensed health care
133 professional trained in the evaluation and management of concussions.

134 (3) Following clearance pursuant to subdivision (2) of this
135 subsection, the coach shall not permit such student athlete to
136 participate in any full, unrestricted supervised team activities without
137 limitations on contact or physical exertion, including, but not limited
138 to, practices, games or competitions, until such student athlete (A) no
139 longer exhibits signs, symptoms or behaviors consistent with a
140 concussion at rest or with exertion, and (B) receives written clearance
141 to participate in such full, unrestricted supervised team activities from
142 a licensed health care professional trained in the evaluation and
143 management of concussions.

144 (b) The State Board of Education may revoke the coaching permit, in
145 accordance with the provisions of subsection (i) of section 10-145b, of
146 any coach found to be in violation of this section.

147 (c) For purposes of this section, "licensed health care professional"
148 means a physician licensed pursuant to chapter 370, a physician
149 assistant licensed pursuant to chapter 370, an advanced practice
150 registered nurse licensed pursuant to chapter 378 or an athletic trainer
151 licensed pursuant to chapter 375a.

152 Sec. 3. (NEW) (*Effective July 1, 2014*) (a) For the school year
153 commencing July 1, 2014, and annually thereafter, the State Board of
154 Education shall require all local and regional school districts to collect
155 and report all occurrences of concussions to the board. Each report
156 shall contain, if known: (1) The nature and extent of the concussion,
157 and (2) the circumstances in which the student sustained the
158 concussion.

159 (b) For the school year commencing July 1, 2015, and each school
160 year thereafter, the State Board of Education shall send a concussion
161 report to the Department of Public Health containing all of the
162 information received pursuant to subsection (a) of this section.

163 (c) Not later than October 1, 2015, and annually thereafter, the
164 Commissioner of Public Health shall report, in accordance with section
165 11-4a of the general statutes, to the joint standing committees of the
166 General Assembly having cognizance of matters relating to children
167 and public health on the findings of the concussion report provided to
168 the department pursuant to subsection (b) of this section.

169 Sec. 4. (*Effective from passage*) (a) There is established a task force to
170 study occurrences of concussions in youth athletics and to make
171 recommendations for possible legislative initiatives to address such
172 concussions. Such study shall include, but not be limited to, an
173 examination of (1) current best practices in the recognition and
174 prevention of concussions in youth athletics, (2) current policies and
175 procedures for addressing concussions utilized by operators of youth
176 athletic leagues in the state, (3) training of employees and volunteers
177 participating in such youth athletic leagues, and (4) relevant federal,
178 state and local laws and regulations involving concussions.

179 (b) The task force shall consist of the following members:

180 (1) Two appointed by the speaker of the House of Representatives,
181 one of whom shall represent the governing authority for intramural
182 and interscholastic athletics, and one of whom shall represent the
183 Connecticut State Medical Society;

184 (2) Two appointed by the president pro tempore of the Senate, one
185 of whom shall represent county medical associations, and one of
186 whom shall represent the American Association of Neurology;

187 (3) Two appointed by the majority leader of the House of
188 Representatives, one of whom shall represent licensed athletic trainers,
189 and one of whom shall be a coach of youth athletics;

190 (4) Two appointed by the majority leader of the Senate, one of
191 whom shall be a physician trained in sports medicine, and one of
192 whom shall represent the Association of School Nurses of Connecticut;

193 (5) Two appointed by the minority leader of the House of
194 Representatives, one of whom shall be an academic who has studied
195 the effects of concussions on children, and one of whom shall represent
196 the Connecticut Association of School Psychologists;

197 (6) Two appointed by the minority leader of the Senate, one of
198 whom shall represent the Connecticut Concussion Task Force, and one
199 of whom shall represent the Connecticut Children's Medical Center;

200 (7) Two appointed by the house chairperson of the joint standing
201 committee of the General Assembly having cognizance of matters
202 relating to children, one of whom shall represent a parent advocacy
203 group that advocates for concussion awareness, and one of whom shall
204 be a chiropractor licensed pursuant to chapter 372 of the general
205 statutes;

206 (8) Two appointed by the senate chairperson of the joint standing
207 committee of the General Assembly having cognizance of matters
208 relating to children, one of whom shall represent the Connecticut

209 Recreation and Parks Association, and one of whom shall be an
210 attorney with experience representing brain injury survivors;

211 (9) The Commissioner of Public Health, or the commissioner's
212 designee;

213 (10) The Commissioner of Children and Families, or the
214 commissioner's designee;

215 (11) The Commissioner of Education, or the commissioner's
216 designee; and

217 (12) A representative of the Hezekiah Beardsley Connecticut
218 Chapter of the American Academy of Pediatrics, who shall be
219 appointed by the Governor.

220 (c) All appointments to the task force shall be made not later than
221 thirty days after the effective date of this section. Any vacancy shall be
222 filled by the appointing authority.

223 (d) The speaker of the House of Representatives and the president
224 pro tempore of the Senate shall select the chairpersons of the task force
225 from among the members of the task force. Such chairpersons shall
226 schedule the first meeting of the task force, which shall be held not
227 later than sixty days after the effective date of this section.

228 (e) The administrative staff of the Commission on Children shall
229 serve as administrative staff of the task force.

230 (f) Not later than January 1, 2015, the task force shall submit a report
231 on its findings and recommendations to the joint standing committees
232 of the General Assembly having cognizance of matters relating to
233 children and public health, in accordance with the provisions of
234 section 11-4a of the general statutes. The task force shall terminate on
235 the date that it submits such report or January 1, 2015, whichever is
236 later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	10-149b
Sec. 2	<i>July 1, 2014</i>	10-149c
Sec. 3	<i>July 1, 2014</i>	New section
Sec. 4	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Various State Agencies	GF - Potential Cost	Less than 1,000	None

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Local and Regional School Districts	STATE MANDATE - Cost	None	Less than 5,000

Explanation

The bill requires local and regional school districts to annually provide a written statement regarding concussions to each youth athlete and his or her parent or legal guardian when the athlete registers. It is anticipated that this will result in a cost to municipalities (including local and regional school districts) of less than \$1,000 per year, associated with the printing and distribution of the written statement.

The bill also requires that student athletes and parents/guardians read, view, or attend a training program regarding concussion education. Depending on how local and regional school districts choose to implement this provision, a cost could result. Reading and viewing, an on-line training program would not result in a cost. However, if a school district chose to hold regular, in-person training programs a cost of less than \$4,000 per school district could result.

The bill establishes a task force to study concussion occurrences in

youth athletics and make recommendations for possible legislative initiatives to address such concussions. There may be a cost of less than \$1,000 in FY 15 to agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

The bill makes various other changes that are not anticipated to result in a fiscal impact because they either (1) narrow the scope of existing law or (2) are a requirement in which the State Department of Education or other identified state agencies has the staff with the expertise to complete.

House "A" strikes the underlying bill and its associated fiscal impact and results in a fiscal impact of less than \$5,000 per school district.

House "B" establishes a task force to study concussion occurrences in youth athletics. House "B" may result in a cost of less than \$1,000 to reimburse legislators and agency staff for task force mileage expenses.

The Out Years

The task force cost is a one-time only cost in FY 15. The other costs in the bill would begin in FY 16 and continue into the future subject to inflation.

OLR Bill Analysis**sHB 5113 (as amended by House “A” and “B”)******AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS.*****SUMMARY:**

This bill makes several changes and additions to the laws regarding concussion prevention.

It narrows the scope, from concussions and head injuries to just concussions, of the (1) initial training course and subsequent information review that intramural and interscholastic athletics coaches must complete and (2) training and refresher courses the State Board of Education (SBE) must develop in consultation with several entities. It also specifies that a concussion is a type of brain injury.

The bill broadens the (1) list of entities SBE must consult when developing the training and refresher courses and information review to include the Department of Public Health (DPH) commissioner and (2) information required in the refresher course.

It (1) requires SBE to develop a concussion education plan and (2) prohibits school boards from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the athlete and his or her parent or guardian complete certain requirements pertaining to the plan.

It also requires (1) SBE to develop or approve an informed consent form on concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic activities and (2) schools to provide the form to each student athlete’s parent or guardian and get his or her signature authorizing the student to participate in the athletic activity.

The bill additionally requires:

1. SBE to annually collect and report to DPH information from all school districts on concussion occurrences and
2. coaches or other qualified school employees to notify a student athlete's parent or guardian when the student is removed from play for a concussion or suspected concussion.

Finally, the bill establishes a 20-member task force to study concussion occurrences in youth athletics and recommend possible legislative initiatives to address such concussions. The task force must report its findings and recommendations to the Public Health and Children's committees by January 1, 2015.

*House Amendment "A":

1. eliminates a requirement that the refresher course include updates on coaching best practices for all coaches and instead requires the refresher course to include football-specific best practice information for football coaches;
2. requires school boards, instead of the governing authority for intramural and interscholastic athletics, to (a) implement the concussion education plan and (b) prohibit students from participating in athletic activities unless the student and his or her parent or guardian meets certain requirements regarding the plan;
3. removes language expanded the types of activities from which a student athlete is barred following a concussion or suspected concussion; and
4. makes other minor changes.

*House Amendment "B" establishes the concussion task force.

EFFECTIVE DATE: July 1, 2014, except for the task force provision,

which is effective upon passage.

TRAINING AND REVIEW MATERIAL REQUIREMENTS

Current law requires intramural and interscholastic athletics coaches who hold or are issued a coaching permit by SBE to complete an initial training course on concussion and head injuries before beginning a coaching assignment for the school athletics season. They must subsequently complete a refresher course and annually review materials on concussions and head injuries. The bill narrows the scope of the training and review materials to only concussions, eliminating other head injuries. It also requires the initial training course to include information on the danger of continuing to engage in any athletic activity, instead of just returning to play in the same activity, after sustaining a concussion.

The bill expands the information required in the refresher course to include (1) an update on medical developments and current best practices in concussion research, prevention, and treatment; and (2) for football coaches, current best practices regarding football coaching, including frequency of games, full contact practices, and scrimmages as identified by the governing authority for intramural and interscholastic athletics.

The bill also requires SBE to consult with the DPH commissioner to develop or approve the concussion training courses and, starting October 1, 2014, annually prepare or approve the review materials. SBE must already consult on these matters with (1) the intramural and interscholastic athletics governing authority, (2) an appropriate organization representing licensed athletic trainers, and (3) an organization representing county medical associations.

CONCUSSION EDUCATION PLAN AND INFORMED CONSENT FORM

Concussion Education Plan

The bill requires SBE, by January 1, 2015 and in consultation with the above entities, to develop or approve a concussion education plan

for use by local and regional school boards. The school boards must implement the plan by using written materials, online training or videos, or in-person training and must include the same information required in the concussion training course above, as well as current best practices in the prevention and treatment of a concussion.

Starting with the 2015-2016 school year, the bill prohibits school boards from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the student and his or her parent or guardian (1) reads written materials, (2) views online training or videos, or (3) attends in-person training regarding the plan.

Informed Consent Form

The bill requires SBE, by July 1, 2015 and in consultation with the above entities, to develop or approve an informed consent form regarding concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic activities. The consent form must include a summary of the (1) concussion education plan and (2) applicable school board concussion policies.

The bill requires schools, starting with the 2015-2016 school year, to provide the consent form to each participating student athlete's parent or legal guardian. The schools must also get the parent's or guardian's signature, attesting that he or she received the form and authorizing the student to participate in the athletic activity.

CONCUSSION NOTIFICATION

The bill requires a qualified school employee, when a student athlete is removed from an athletic activity for a concussion or suspected concussion, to notify the student's parent or legal guardian that the student has been diagnosed with, or shown signs, symptoms, or behaviors of, a concussion. The employee must (1) provide the notice within 24 hours after removing the student and (2) make a reasonable effort to provide the notice immediately after the student is removed.

A “qualified school employee” means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach, or school paraprofessional.

SCHOOL DISTRICT AND AGENCY REPORTING REQUIREMENTS

The bill requires SBE, starting with the 2014-2015 school year, to annually require school districts to collect and report to it all concussion occurrences. The report must include the (1) nature and extent of the concussion and (2) circumstances in which the student sustained it.

SBE, starting with the 2015-2016 school year, must annually send a concussion report to DPH containing all the reported school district concussion information. DPH, starting by October 1, 2015, must annually report the SBE concussion report’s findings to the Children’s and Public Health committees. (The bill does not include a specific deadline by which SBE must send the 2015-2016 school year concussion report to DPH.)

CONCUSSION TASK FORCE

The bill establishes a task force to study concussion occurrences in youth athletics and make recommendations for possible legislative initiatives to address concussions. The study must examine (1) current best practices for concussion recognition and prevention in youth athletics; (2) current concussion policies and procedures used by youth athletic league operators in the state; (3) youth athletic league employee and volunteer training; and (4) relevant federal, state, and local concussion laws and regulations.

The task force members must include the public health, children and families, and education commissioners, or their designees, and the appointees shown in Table 1.

Table 1: Concussion Task Force Appointees

<i>Appointing Authority</i>	<i>Number of Appointees</i>	<i>Qualifications</i>
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House speaker	Two	<ul style="list-style-type: none"> • Intramural and interscholastic athletics governing authority representative • Connecticut State Medical Society representative
Senate president pro tempore	Two	<ul style="list-style-type: none"> • County medical association representative • American Association of Neurology representative
House majority leader	Two	<ul style="list-style-type: none"> • Licensed athletic trainer representative • Youth athletic coach
Senate majority leader	Two	<ul style="list-style-type: none"> • Sports medicine physician • Association of School Nurse of Connecticut representative
House minority leader	Two	<ul style="list-style-type: none"> • Academic who has studied the effects of concussions on children • Connecticut Association of Psychologists representative
Senate minority leader	Two	<ul style="list-style-type: none"> • Connecticut Concussion Task Force representative • Connecticut Children's Medical Center representative
Children's Committee House chairperson	Two	<ul style="list-style-type: none"> • Parent concussion awareness advocacy group representative • State-licensed chiropractor
Children's Committee Senate chairperson	Two	<ul style="list-style-type: none"> • Connecticut Recreation and Parks Association representative • Attorney with experience in representing brain injury survivors
Governor	One	<ul style="list-style-type: none"> • Hezekiah Beardsley Connecticut Chapter of the American Academy of Pediatrics representative

All task force appointments must be made within 30 days after the bill's passage. The appointing authority must fill any vacancy. The House speaker and the Senate president pro tempore must select the task force chairpersons from its members and the chairpersons must schedule the first meeting within 60 days after the bill's passage. The Children's Committee administrative staff serves as the task force's administrative staff.

The bill requires the task force to report its findings and recommendations to the Public Health and Children’s committees by January 1, 2015. It terminates on the date it submits the report or January 1, 2015, whichever is later.

BACKGROUND

Legislative History

The House referred the bill (File 144) to the Education Committee, which reported it favorably without change. The House then referred the bill to the Appropriations Committee, which reported a substitute bill that removed provisions (1) establishing a 20-member task force to study concussion occurrences in youth athletics and recommend possible legislative initiatives to address such concussions and (2) requiring youth athletic activity operators to provide written concussion information to each youth athlete and his or her parent or guardian.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 11 Nay 1 (03/11/2014)

Education Committee

Joint Favorable

Yea 25 Nay 3 (04/02/2014)

Appropriations Committee

Joint Favorable Substitute

Yea 45 Nay 2 (04/09/2014)