

**TESTIMONY OF KERRI MCGOWAN LOWREY, JD, MPH
DEPUTY DIRECTOR,
NETWORK FOR PUBLIC HEALTH LAW, EASTERN REGION**

***Raised Bill No. 5113*
AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS**

Committee on Children
February 27, 2014

Good morning Representative Urban, Senator Bartolomeo, Representative Betts, Senator Linares, and the distinguished members of the Children's Committee. For the record, I am Kerri McGowan Lowrey, Deputy Director of the Network for Public Health Law's Eastern Region, which is housed at the University of Maryland Francis King Carey School of Law. The Network provides legal technical assistance on policy approaches to public health issues. We have been monitoring the provisions of state concussion laws since 2011, and conducted an interview survey in late 2012 of those charged with implementation of the laws in their states to ascertain their experiences and to inform future policymaking in this area. I am here to provide information for the Committee on Raised Bill No. 5113, AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS.

This legislation will bring Connecticut in line with other state laws, specifically with regard to requiring concussion education and informed consent to participate for young athletes and their parents. This is one of the three key provisions of Washington's Lystedt Law, which has been heralded by advocates as a sort of model. Currently, 44 state laws require educational materials to be given to parents or guardians with some form of signed acknowledgment of receipt.¹

With passage of this legislation, Connecticut would also join the 16 states that currently extend protections to participants of recreational, as well as school-based, athletics.² Also, the bill's inclusion of the state Department of Public Health in developing the concussion-training

¹ Georgia, Idaho, New Hampshire, and Wyoming laws require concussion education information or materials to be developed for this purpose, but do not require acknowledgment of receipt prior to a youth athlete's participation in sports. Only Arkansas, Colorado, and Connecticut currently do not require any form of education for parents or guardians of youth athletes.

² Alabama, Colorado, District of Columbia, Florida, Georgia, Louisiana, Maryland, Michigan, Minnesota, Nebraska, Nevada, Ohio, Oregon, Tennessee, Utah, and Wisconsin. Arizona requires recreational sports organizations to comply with provisions of the law if the organization uses school facilities or property.



course will help to ensure that it continues to be based on evolving scientific research regarding the epidemiology, physiology, and effective methods for primary and secondary prevention of sports-related head injury. Toward that end, the bill's reporting requirement is also significant—allowing for collection of important data that can be used to evaluate the effectiveness of the provisions of the law.

Connecticut is already a national leader in training coaches on concussion. This bill contains provisions that also would make Connecticut a leader in concussion policy, joining other states that are tuned to the ongoing research and are going one step further to make sports safer for kids. These include:

- Mandatory training for referees—those adults who often have the best view of the players and events on the field;
- Limits on full-contact practice time (a primary prevention strategy); and
- Required phased-in return to physical activity after medical clearance has been given.

Connecticut is to be commended for introducing this legislation in response to ever-developing knowledge of the problem of sports-related concussion and the state's experience implementing its existing law. Indeed, Connecticut is not alone; fourteen states³ have made substantive changes to their youth sports concussion laws since original adoption.

Finally, I should note that the consensus among public health policy scholars is that formal, codified law is more effective in bringing about progress in combatting public health problems than informal policy or reliance on voluntary compliance.⁴ Experience over the last 40 years of public health law in areas like tobacco control and traffic safety supports this view—law helps to ensure statewide consistency, accountability, and oversight.

Thank you for your time and your consideration of the health and safety of young athletes.

³ Alabama, Alaska, California, Iowa, Illinois, Kentucky, New Hampshire, New Jersey, North Dakota, Oregon, Rhode Island, Utah, Vermont, and Wisconsin have made substantive changes to their youth sports concussion laws since original passage.

⁴ See, e.g., Scott Burris and Evan Anderson, Legal Regulation of Health-Related Behavior: A Half Century of Public Health Law Research. *Annu. Rev. Law Soc. Sci.* 2013. 9:95–117.