

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-5291

AN ACT CONCERNING ACCESS TO INFORMATION REGARDING THE

Title: SAFETY OF SPORTS HELMETS.

Vote Date: 3/23/2018

Vote Action: Joint Favorable Substitute

PH Date: 3/16/2018

File No.:

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

HB-5291 allows manufacturers that sell protective headgear that meet the performance standards set by the National Operating Committee on Standards for Athletic Equipment (NOCSAE), to report that fact to the State Department of Education, including the severity index unit score of the headgear. If manufacturers report such information to the Department of Education, the department must post the information on its website, within available appropriations.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut State Department of Education:

The Department of Education has concerns with HB-5291. The Department does not believe the bill falls under their jurisdiction. It does not have the capacity or expertise to evaluate whether or not a manufacturer of protective headgear actually meets the performance standard criteria set out by NOCSAE. The Department of Education is not a health, safety, or consumer protection agency and it would not be appropriate for the Department to certify that a product meets a standard, especially when manufacturers produce modifications to helmets that may or may not affect their safety, and would require continuous monitoring. Furthermore, listing a product on our website may be perceived as an endorsement of the agency and the Department does not feel that is appropriate.

Representative Themis Klarides, 114 Assembly District, Connecticut General Assembly:

Rep. Klarides supports the bill and thanks the Public Health Committee for raising this legislation. Providing safety information on the State Department of Education website will allow parents of athletes to be fully informed when purchasing essential safety equipment for their children. Rep. Klarides asks that the committee advance the bill to allow the full General Assembly the opportunity to debate this issue and pass comprehensive legislation on safety.

Representative Nicole Klarides-Ditria, 105 Assembly District, Connecticut General Assembly:

Rep. Klarides-Ditria supports HB-5291. This legislation will encourage manufacturers to comply with the national standards of athletic equipment set by NOCSAE. If manufacturers follow this protocol, consumers will feel more comfortable when purchasing a helmet that meets all safety criteria. Rep. Klarides-Ditria fully supports the concept of accessing information regarding the safety of athletic helmets set in this bill.

NATURE AND SOURCES OF SUPPORT:

Mary Jane Williams, Chairperson of Government Relations Committee, Connecticut Nurses Association:

The Connecticut Nurses Association supports HB-5291. During the last decade, Emergency Department visits related to sport injuries have increased by 60 percent. In fact, according to the CDC, there are 173,285 estimated sport injuries that require emergency department care. Concussions and traumatic brain injuries are part of these statistics. It is essential that we provide all the information necessary to make the best educated decision when choosing a protective helmet for our athletes. Individuals with access to this information will be better able to make critical decisions regarding the safety of their children.

Perry Siegel, MS, ATC, CSCS, Co-Chair of Governmental Affairs Committee, Connecticut Athletic Trainers' Association:

The Connecticut Athletic Trainers' Association (CATA) supports HB-5291 and has supported legislation related to sport safety through the years. NOCSAE is recognized nationally as the primary evaluator of the quality and safety of protective helmets in sports. This bill would provide consumers the manufacturer safety index for individual sport helmets based on NOCSAE standards. The enactment of this bill would give parents a single site to make an informed decision on behalf of their children.

Richard Duenas, President, Connecticut Chiropractic Association:

The Connecticut Chiropractic Association (CCA) supports the bill and commends the committee for remaining diligent in ensuring the safety of athletes of all ages. In addition to the availability of this vital information, CCA believes that intramural, interscholastic and organized youth athletes should also have access to a chiropractic physician who will determine when an athlete who has suffered a concussion may return to play. CCA believes

it would be beneficial to add a representative of the chiropractic profession to the group of professionals that write concussion policy for intramural and interscholastic athletes. *Please see testimony provided by CCA for specific language.*

Jason Klein, President, Force3 Pro Gear:

Force3 Pro Gear supports the bill. NOCSAE was formed in 1969 to commission research directed toward injury reduction. It uses a pass/fail threshold to determine whether or not a helmet meets the standard performance criteria. The pass/fail threshold is 1200 Severity Index units, or SI. A helmet must test below 1200 SI in 16 designated and random impact locations. Force3 hockey-style mask has undergone the required testing from a NOCSAE approved independent testing facility, meets the standard, and in fact scored significantly lower than the 1200 severity index threshold. However, pursuant to Force3 licensing agreement with NOCSAE, Force3 is prohibited from sharing their severity index results with the public. In fact, there is no place for an athlete or parent seeking helmet safety information to access and compare results with other helmets currently on the market.

A rating system encourages improvement within an industry. In 1993, the National Highway and Transportation Safety Administration introduced the 5 Star rating system to help consumers make informed safety choices when buying new vehicles. Public disclosure of these rankings caused automakers to engineer vehicles with the goal of getting the 5 star rating. In 2009, Connecticut instituted a restaurant industry rating system about an establishment's degree of compliance with the Connecticut Public Health Code, and that incentivized those establishments that scored low to do better. No such incentive currently exists for helmet manufacturers because all helmets fall within the 0 to 1200 SI range are considered to "pass". This creates the public perception that they all provide the same level of protection. NOCSAE contends that there is no sliding scale that shows helmets with a lower SI are measurably better; however there are studies that say otherwise, such as the Virginia Tech Study attached to this testimony. Mr. Klein believes this legislation provides the first step to not only educate consumers, but also creates an incentive for an industry to strive to do better when it comes to safety.

Jonathan Simmons, BS, DC, DACNB, FABBIR, Diplomate, American Board of Chiropractic Neurology, Fellow, American Board of Brain Injury and Rehabilitation:

Mr. Simmons fully supports HB-5291. Current law prohibits companies that are at the forefront of developing new technology which reduces concussion and sub-concussive forces from sharing their data. The safety of softball and baseball masks are rated using an SI with a minimum passing score of 1200. This recommendation was partially based on a 1975 study completed by Wayne State University. Since then, consumers have become more aware of how a small sub-concussive hit can cause measurable changes in the function of memory and reaction times in our youth. While no equipment can prevent a concussion, any measure that can be taken to reduce the force of these sub-concussive hits will help reduce the cumulative damage to the brain.

NATURE AND SOURCES OF OPPOSITION:

None provided.

Reported by: Valentina Mehmeti

Date: 4/9/2018