

The House Committee on Health and Human Services offers the following substitute to HB 673:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act,"
3 so as to enact "Georgia's Return to Play Act of 2012"; to provide for legislative intent; to
4 provide for definitions; to require schools and organizations which provide youth athletic
5 activities to provide concussion-related information to youth athletes and parents; to provide
6 for a concussion recognition education course for coaches and others; to establish a
7 return-to-play policy for youth athletes suffering from concussions; to provide for limited
8 liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as "Georgia's Return to Play Act of 2012."

12 **SECTION 2.**

13 Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
14 relating to miscellaneous provisions under the "Quality Basic Education Act," is amended
15 by adding a new Code section to read as follows:

16 "20-2-324.1.

17 (a) The General Assembly finds:

18 (1) Concussions are one of the most commonly reported injuries in children and
19 adolescents who participate in sports and recreational activities. The federal Centers for
20 Disease Control and Prevention estimate that as many as 3.9 million sports-related and
21 recreation-related concussions occur in the United States each year. A concussion is
22 caused by a blow or motion to the head or body that causes the brain to move rapidly
23 inside the skull. The risk for long-term, chronic cognitive, physical, and emotional
24 symptoms associated with the development of post-concussion syndrome and chronic
25 traumatic encephalopathy, as well as the risk for catastrophic injuries or even death, is

26 significant when a concussion or head injury is not properly recognized, evaluated, and
27 managed;

28 (2) Continuing to play with a concussion or symptoms of head injury leaves a youth
29 athlete especially vulnerable to greater injury and even death. Despite having generally
30 recognized return-to-play standards for concussions and head injuries, some affected
31 youth athletes are prematurely returned to play resulting in actual or potential physical
32 injury or death to youth athletes in the State of Georgia; and

33 (3) It is in the best interest of the state to create a uniform education, training, and
34 return-to-play protocol to be followed throughout the state.

35 (b) As used in this Code section, the term:

36 (1) 'Health care provider' means a licensed physician or another licensed individual under
37 the supervision of a licensed physician, such as a nurse practitioner, physician assistant,
38 or athletic trainer, who has received training in neuropsychology or concussion evaluation
39 and management.

40 (2) 'Public recreation facility' means a recreation facility owned or leased by the state or
41 a political subdivision thereof.

42 (3) 'Youth athlete' means a participant in an organized athletic activity, including a
43 cheerleader for any such activity, who is seven years of age or older and under 19 years
44 of age.

45 (4) 'Youth athletic activity' means an organized athletic activity in which the majority of
46 the participants are youth athletes and are engaging in an organized athletic game or
47 competition against another team, club, or entity or in practice or preparation for an
48 organized game or competition against another team, club, or entity. This term shall not
49 include college or university activities or an activity which is entered into for
50 instructional purposes only, an athletic activity that is incidental to a nonathletic program,
51 or a lesson.

52 (c) The local board of education and the governing board of each nonpublic elementary
53 school, middle school, and high school shall:

54 (1) Prior to the beginning of each athletic season and preseason activities of a youth
55 athletic activity, provide an information sheet to all coaches and to all youth athletes and
56 their parents or legal guardian which informs of the nature and risk of concussion and
57 head injury, including the risks associated with continuing to play after a concussion or
58 head injury and require, that as a condition of participation in such youth athletic activity,
59 the youth athlete's parent or legal guardian, or the youth athlete, if he or she is an
60 emancipated minor or has reached the age of majority, sign an acknowledgment of receipt
61 of such information sheet. The information sheet shall include the requirements
62 contained in paragraph (3) of this subsection regarding the procedures to be followed for

63 a youth athlete who has or is suspected to have suffered a concussion or head injury to
 64 return to play;

65 (2) Require each coach of a youth athletic activity employed by the school system and
 66 other school system personnel designated by the school to complete an annual concussion
 67 recognition education course and certify in writing that he or she has completed such
 68 course. Such course shall include the following information:

69 (A) How to recognize the signs of and symptoms of a concussion;

70 (B) The necessity of obtaining proper medical attention for a person suspected of
 71 having sustained a concussion; and

72 (C) The nature and risk of concussions, including the danger of continuing to play
 73 athletics after sustaining a concussion and the proper method and requirements
 74 contained in paragraph (3) of this subsection which must be satisfied in order for a
 75 youth athlete to return to play in the athletic activity.

76 The Department of Public Health shall endorse one or more concussion recognition
 77 education courses, at least one of which shall be available online. Such course or courses
 78 may include training materials made available by the federal Centers for Disease Control
 79 and Prevention or other training materials substantively and substantially similar to such
 80 materials;

81 (3) Comply with the following procedures in the event of an injury or suspected injury
 82 to a youth athlete participating in a youth athletic activity:

83 (A) A coach or other designated personnel who is required to complete a concussion
 84 recognition education program pursuant to this subsection shall immediately remove
 85 any youth athlete from a game, competition, tryout, or practice if any of the following
 86 occurs:

87 (i) The youth athlete reports any defined sign or symptom of a concussion and is
 88 reasonably suspected of having sustained a concussion;

89 (ii) He or she determines that the youth athlete exhibits any defined sign or symptom
 90 of a concussion and he or she reasonably suspects that the youth athlete has sustained
 91 a concussion; or

92 (iii) He or she is notified by a health care provider that the youth athlete has reported
 93 or exhibited any defined sign or symptom of a concussion and is reasonably suspected
 94 of sustaining a concussion;

95 (B) If a youth athlete is removed from play pursuant to subparagraph (A) of this
 96 paragraph and the signs and symptoms cannot be readily explained by a condition other
 97 than concussion, the coach or other designated personnel shall notify the youth athlete's
 98 parent or legal guardian and shall not permit the youth athlete to return to play or
 99 participate in any supervised team activities involving physical exertion, including

100 games, competitions, tryouts, or practices, that day and until the youth athlete is
101 evaluated by a health care provider and receives written clearance from the health care
102 provider for a full or graduated return to play. It is strongly recommended that such
103 youth athlete complete a computerized cognitive assessment prior to returning to play
104 to serve as one measure in assisting a health care provider in evaluating a youth athlete's
105 readiness to return to play; and

106 (C) After a youth athlete who has sustained a concussion or head injury has been
107 evaluated and received clearance from a health care provider for a graduated return to
108 play, a school or local school system or nonpublic school may allow a licensed athletic
109 trainer with specific knowledge of the youth athlete's condition to manage the youth
110 athlete's graduated return to play; and

111 (4) Strongly urge youth athletes, both male and female, participating in high impact
112 athletic activities, such as baseball, basketball, cheerleading, football, lacrosse, soccer,
113 and wrestling, to complete a computerized cognitive assessment for the purpose of
114 establishing a baseline for such youth athletes in the event of a concussion or other injury.

115 (d) Each public recreation facility, business, and nonprofit organization which organizes
116 youth athletic activities in which there is a participation fee shall, prior to the beginning of
117 each athletic season and preseason activities of a youth athletic activity, provide an
118 information sheet to all coaches and officiating personnel and to all youth athletes and their
119 parents or legal guardian which informs of the nature and risk of concussion and head
120 injury, including the risks associated with continuing to play after a concussion or head
121 injury and require, that as a condition of participation in such youth athletic activity, the
122 youth athlete's parent or legal guardian, or the youth athlete, if he or she is an emancipated
123 minor or has reached the age of majority, sign an acknowledgment of receipt of such
124 information sheet. It is strongly encouraged that each coach and all officiating personnel
125 for a youth athletic activity complete an annual concussion recognition education course
126 which meets the same requirements contained in paragraph (2) of subsection (c) of this
127 Code section and that each public recreation facility, business, and nonprofit organization
128 which organizes youth athletic activities follow the return to play and removal procedures
129 contained in paragraph (3) of subsection (c) of this Code section.

130 (e) The Department of Public Health shall make available on its website a copy of the
131 requirements contained in this Code section and information or referrals to information
132 regarding the nature and risk of concussion and head injury, including the risks associated
133 with continuing to play after a concussion or head injury.

134 (f)(1) This Code section shall not create any liability for, or create a cause of action
135 against, a local board of education, an athletic organization or association of which a
136 school or local school system is a member, a nonpublic school, a public recreation

137 facility, a business, a nonprofit organization, or the officers or employees of any such
138 entities, when such person or entity has complied with the provisions of this Code
139 section.

140 (2) This Code section shall not create any duty or liability for, or create a cause of action
141 against, any volunteer or any health care provider or any other licensed health care
142 professional for any act or omission to act related to the removal or nonremoval of a
143 youth athlete from a game, competition, tryout, or practice pursuant to this Code section."

144 **SECTION 3.**

145 All laws and parts of laws in conflict with this Act are repealed.