

House Bill 48

By: Representatives Mitchell of the 88<sup>th</sup>, Stephens of the 165<sup>th</sup>, Jordan of the 77<sup>th</sup>, Mayo of the 84<sup>th</sup>, Marin of the 96<sup>th</sup>, and others

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 2013"; 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 style="text-align:center">**SECTION 1.**

11 This Act shall be known and may be cited as "Georgia's Return to Play Act of 2013."

12 style="text-align:center">**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.