House Bill 284 (AS PASSED HOUSE AND SENATE)
By: Representatives Pruett of the 149th, Kaiser of the 59th, Mitchell of the 88th, Cooper of the 43rd, Coleman of the 97th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to enact the "Return to Play Act of 2013"; to require public and private schools which provide youth athletic activities to provide information to parents on the nature and risk of concussion and head injury and to establish concussion management and return to play policies; to require public recreation facilities to provide information to parents on the nature and risk of concussion and head injury; to provide for definitions; to provide for the endorsement of concussion recognition education courses; to provide for limited liability; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be referred to as the "Return to Play Act of 2013."

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

"20-2-324.1. (a) As used in this Code section, the term:
(1) 'Health care provider' means a licensed physician or another licensed individual under the supervision of a licensed physician, such as a nurse practitioner, physician assistant, or certified athletic trainer who has received training in concussion evaluation and management.

(2) 'Public recreation facility' means a public facility that conducts an organized youth athletic activity in which a participation fee and registration are required."
(3) 'Youth athlete' means a participant in a youth athletic activity who is seven years of age or older and under 19 years of age.

(4) 'Youth athletic activity' means an organized athletic activity in which the majority of the participants are youth athletes and are engaging in an organized athletic game or competition against another team, club, or entity or in practice or preparation for an organized game or competition against another team, club, or entity. This term shall not include college or university activities or an activity which is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program, youth athletic activities offered through a church or synagogue, or a lesson; provided, however, that colleges, universities, churches, and synagogues, and any other entities that conduct youth athletic activities but are not subject to this Code section are strongly encouraged to establish and implement a concussion management and return to play policy.

(b) Each local board of education, administration of a nonpublic school, and governing body of a charter school shall adopt and implement a concussion management and return to play policy comprising not less than the following components:

(1) Prior to the beginning of each athletic season of a youth athletic activity, provide an information sheet to all youth athletes' parents or legal guardians which informs them of the nature and risk of concussion and head injury;

(2) If a youth athlete participating in a youth athletic activity exhibits symptoms of having a concussion, that athlete shall be removed from the game, competition, tryout, or practice and be evaluated by a health care provider; and

(3) If a youth athlete is deemed by a health care provider to have sustained a concussion, the coach or other designated personnel shall not permit the youth athlete to return to play until the youth athlete receives clearance from a health care provider for a full or graduated return to play.

(c) Each public recreation facility shall, at the time of registration for a youth athletic activity, provide an information sheet to all youth athletes' parents or legal guardians which informs them of the nature and risk of concussion and head injury; provided, however, that public recreation facilities are strongly encouraged to establish and implement a concussion management and return to play policy.

(d) The Department of Public Health shall endorse one or more concussion recognition education courses to inform Georgia citizens of the nature and risk of concussions in youth athletics, at least one of which shall be available online. Such course or courses may include education and training materials made available, at no charge, by the federal Centers for Disease Control and Prevention or other training materials substantively and substantially similar to such materials.
(e) This Code section shall not create any liability for, or create a cause of action against, a local board of education, the governing body of a nonpublic school, the governing body of a charter school, or a public recreation facility or the officers, employees, volunteers, or other designated personnel of any such entities for any act or omission to act related to the removal or nonremoval of a youth athlete from a game, competition, tryout, or practice pursuant to this Code section; provided, however, that for purposes of this subsection, other designated personnel shall not include health care providers unless they are acting in a volunteer capacity."

SECTION 3.

This Act shall become effective on January 1, 2014.

SECTION 4.

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