

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 260**

Final Reading

Introduced by Lathrop, 12.

Read first time January 11, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to sports-related injuries; to adopt the  
2 Concussion Awareness Act; and to provide an operative  
3 date.  
4 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Sections 1 to 6 of this act shall be known and  
2 may be cited as the Concussion Awareness Act.

3                   Sec. 2. (1) The Legislature finds that concussions are  
4 one of the most commonly reported injuries in children and  
5 adolescents who participate in sports and recreational activities and  
6 that the risk of catastrophic injury or death is significant when a  
7 concussion or brain injury is not properly evaluated and managed.

8                   (2) The Legislature further finds that concussions are a  
9 type of brain injury that can range from mild to severe and can  
10 disrupt the way the brain normally works. Concussions can occur in  
11 any organized or unorganized sport or recreational activity and can  
12 result from a fall or from players colliding with each other, the  
13 ground, or with obstacles. Concussions occur with or without loss of  
14 consciousness, but the vast majority occur without loss of  
15 consciousness.

16                   (3) The Legislature further finds that continuing to play  
17 with a concussion or symptoms of brain injury leaves a young athlete  
18 especially vulnerable to greater injury and even death. The  
19 Legislature recognizes that, despite having generally recognized  
20 return-to-play standards for concussion and brain injury, some young  
21 athletes are prematurely returned to play, resulting in actual or  
22 potential physical injury or death.

23                   Sec. 3. For purposes of the Concussion Awareness Act:

24                   (1) Chief medical officer means the chief medical officer  
25 as designated in section 81-3115; and

1                   (2) Licensed health care professional means a physician  
2       or licensed practitioner under the direct supervision of a physician,  
3       a certified athletic trainer, a neuropsychologist, or some other  
4       qualified individual who (a) is registered, licensed, certified, or  
5       otherwise statutorily recognized by the State of Nebraska to provide  
6       health care services and (b) is trained in the evaluation and  
7       management of traumatic brain injuries among a pediatric population.

8                   Sec. 4. (1) Each approved or accredited public, private,  
9       denominational, or parochial school shall:

10                  (a) Make available training approved by the chief medical  
11       officer on how to recognize the symptoms of a concussion or brain  
12       injury and how to seek proper medical treatment for a concussion or  
13       brain injury to all coaches of school athletic teams; and

14                  (b) Require that concussion and brain injury information  
15       be provided on an annual basis to students and the students' parents  
16       or guardians prior to such students initiating practice or  
17       competition. The information provided to students and the students'  
18       parents or guardians shall include, but need not be limited to:

19                      (i) The signs and symptoms of a concussion;  
20                      (ii) The risks posed by sustaining a concussion; and  
21                      (iii) The actions a student should take in response to  
22       sustaining a concussion, including the notification of his or her  
23       coaches.

24                  (2)(a) A student who participates on a school athletic  
25       team shall be removed from a practice or game when he or she is

1     reasonably suspected of having sustained a concussion or brain injury  
2     in such practice or game after observation by a coach or a licensed  
3     health care professional who is professionally affiliated with or  
4     contracted by the school. Such student shall not be permitted to  
5     participate in any school supervised team athletic activities  
6     involving physical exertion, including, but not limited to, practices  
7     or games, until the student (i) has been evaluated by a licensed  
8     health care professional, (ii) has received written and signed  
9     clearance to resume participation in athletic activities from the  
10    licensed health care professional, and (iii) has submitted the  
11    written and signed clearance to resume participation in athletic  
12    activities to the school accompanied by written permission to resume  
13    participation from the student's parent or guardian.

14                 (b) If a student is reasonably suspected after  
15    observation of having sustained a concussion or brain injury and is  
16    removed from an athletic activity under subdivision (2)(a) of this  
17    section, the parent or guardian of the student shall be notified by  
18    the school of the date and approximate time of the injury suffered by  
19    the student, the signs and symptoms of a concussion or brain injury  
20    that were observed, and any actions taken to treat the student.

21                 (c) Nothing in this subsection shall be construed to  
22    require any school to provide for the presence of a licensed health  
23    care professional at any practice or game.

24                 (d) The signature of an individual who represents that he  
25    or she is a licensed health care professional on a written clearance

1     to resume participation that is provided to a school shall be deemed  
2     to be conclusive and reliable evidence that the individual who signed  
3     the clearance is a licensed health care professional. The school  
4     shall not be required to determine or verify the individual's  
5     qualifications.

6                 Sec. 5. (1) Any city, village, business, or nonprofit  
7     organization that organizes an athletic activity in which the  
8     athletes are nineteen years of age or younger and are required to pay  
9     a fee to participate in the athletic activity or whose cost to  
10    participate in the athletic activity is sponsored by a business or  
11    nonprofit organization shall:

12                     (a) Make available training approved by the chief medical  
13     officer on how to recognize the symptoms of a concussion or brain  
14     injury and how to seek proper medical treatment for a concussion or  
15     brain injury to all coaches; and

16                     (b) Provide information on concussions and brain injuries  
17     to all coaches and athletes and to a parent or guardian of each  
18     athlete that shall include, but need not be limited to:

19                             (i) The signs and symptoms of a concussion;  
20                             (ii) The risks posed by sustaining a concussion; and  
21                             (iii) The actions an athlete should take in response to  
22     sustaining a concussion, including the notification of his or her  
23     coaches.

24                     (2)(a) An athlete who participates in an athletic  
25     activity under subsection (1) of this section shall be removed from a

1     practice or game when he or she is reasonably suspected of having  
2     sustained a concussion or brain injury in such practice or game after  
3     observation by a coach or a licensed health care professional. Such  
4     athlete shall not be permitted to participate in any supervised  
5     athletic activities involving physical exertion, including, but not  
6     limited to, practices or games, until the athlete (i) has been  
7     evaluated by a licensed health care professional, (ii) has received  
8     written and signed clearance to resume participation in athletic  
9     activities from the licensed health care professional, and (iii) has  
10    submitted the written and signed clearance to resume participation in  
11    athletic activities to the city, village, business, or nonprofit  
12    organization that organized the athletic activity accompanied by  
13    written permission to resume participation from the athlete's parent  
14    or guardian.

15                 (b)    If an athlete is reasonably suspected after  
16    observation of having sustained a concussion or brain injury and is  
17    removed from an athletic activity under subdivision (2)(a) of this  
18    section, the parent or guardian of the athlete shall be notified by  
19    the coach or a representative of the city, village, business, or  
20    nonprofit organization that organized the athletic activity of the  
21    date and approximate time of the injury suffered by the athlete, the  
22    signs and symptoms of a concussion or brain injury that were  
23    observed, and any actions taken to treat the athlete.

24                 (c)    Nothing in this subsection shall be construed to  
25    require any city, village, business, or nonprofit organization to

1     provide for the presence of a licensed health care professional at  
2     any practice or game.

3                 (d) The signature of an individual who represents that he  
4     or she is a licensed health care professional on a written clearance  
5     to resume participation that is provided to a city, village,  
6     business, or nonprofit organization shall be deemed to be conclusive  
7     and reliable evidence that the individual who signed the clearance is  
8     a licensed health care professional. The city, village, business, or  
9     nonprofit organization shall not be required to determine or verify  
10    the individual's qualifications.

11                Sec. 6. Nothing in the Concussion Awareness Act shall be  
12     construed to create liability for or modify the liability or immunity  
13     of a school, school district, city, village, business, or nonprofit  
14     organization or the officers, employees, or volunteers of any such  
15     school, school district, city, village, business, or nonprofit  
16    organization.

17                Sec. 7. This act becomes operative on July 1, 2012.