**A** **BILL**

TO AMEND SECTION 59‑63‑75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONCUSSION PROTOCOL FOR HIGH SCHOOL FOOTBALL GAMES, SO AS TO REQUIRE THE USE OF CERTIFIED ATHLETIC TRAINERS, AND TO DEFINE NECESSARY TERMINOLOGY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑63‑75 of the 1976 Code, as added by Act 33 of 2013, is amended to read:

“(A) The South Carolina Department of Health and Environmental Control (DHEC), in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. ~~The Department of Health and Environmental Control~~ DHEC also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League‑sanctioned events.

(B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures referenced in subsection (A). These guidelines must require the use of a certified athletic trainer throughout a high school interscholastic football game.

(C) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian’s receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice.

(D)(1) If a coach, certified athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, certified athletic trainer, official, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete ~~shall~~ must be removed from practice or competition at that time.

(2) A student athlete who has been removed from play may return to play if, as a result of evaluating the student athlete on site, the certified athletic trainer, physician, physician assistant pursuant to scope of practice guidelines, or nurse practitioner pursuant to a written protocol determines in his best professional judgment that the student athlete does not have any signs or symptoms of a concussion or brain injury.

(3) A student athlete who has been removed from play and evaluated and who is suspected of having a concussion or brain injury may not return to play until the student athlete has received written medical clearance by a physician.

(4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of Health and Environmental Control, in consultation with health care provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations. ~~Such~~ This information must be posted by the department upon receipt from a participating health care organization.

(5) The certified athletic trainer, physician, physician assistant, or nurse practitioner who evaluates the student athlete during practice or an athletic competition and authorizes the student athlete to return to play is not liable for civil damages resulting from an act or omission in rendering this decision, other than acts or omissions constituting gross negligence or wilful, wanton misconduct. This immunity applies to ~~an~~ a certified athletic trainer, physician, physician assistant, or nurse practitioner serving as a volunteer.

(E) For purposes of this section:

(1) ‘Certified athletic trainer’ means a person certified as an athletic trainer by DHEC.

~~(1)~~(2) ‘Physician’ is defined in the same manner as provided in Section 40‑47‑20(35).

~~(2)~~(3) ‘Student athlete’ includes cheerleaders.”

SECTION 2. This act takes effect upon approval by the Governor.

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