COMMITTEE REPORT

March 11, 2013

**H. 3061**

Introduced by Reps. McCoy, Butler Garrick, Stavrinakis and Sellers

S. Printed 3/11/13--H. [SEC 3/12/13 9:45 AM]

Read the first time January 8, 2013.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3061) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑63‑95 so as to require the Department of Education to develop and distribute model, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑75. (A) The South Carolina Department of Health and Environmental Control, 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 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).

(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, athletic trainer, or physician suspects that a student athlete, under the control of the coach, athletic trainer, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall 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 onsite, the athletic trainer or physician determines in his or her 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 doctor of medicine or a doctor of osteopathic medicine, licensed pursuant to Chapter 47, Title 40, who has had training in concussion evaluation and management.

(4) The athletic trainer or physician who evaluates the student athlete 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 athletic trainer or physician whether or not the athletic trainer or physician received remuneration for his or her services or was serving as a volunteer.

(E) For purposes of this section, ‘student athlete’ includes cheerleaders.”

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

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Department of Education indicates this bill will have no fiscal impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑95 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE MODEL POLICIES CONCERNING THE NATURE AND RISK OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN POLICY, TO REQUIRE THE REVIEW OF THE POLICY BY STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS, TO REQUIRE THE REMOVAL FROM PLAY AND MEDICAL EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY A VOLUNTEER HEALTH CARE PROVIDER, AND TO PROVIDE THAT LOCAL SCHOOL DISTRICTS ARE NOT REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

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

SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑95. (A) The Department of Education shall develop and distribute to each local school district of this State model policies to inform and educate coaches, student athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, and risks of not reporting the injury and continuing to play.

(B) A local school district shall develop policies and procedures regarding the identification and handling of suspected concussions in student athletes. These policies must require:

(1) a student athlete and his parent or guardian to review on an annual basis information on concussions provided by the local school district in order to participate in an extracurricular physical activity. After having reviewed materials describing the short‑ and long‑term health effects of concussions, the student athlete and his parent or guardian shall sign a statement acknowledging receipt of this information, in a manner approved by the department; and

(2) a student athlete suspected by his coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game must be removed from the activity at that time. A student athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury may not return to play that same day nor until:

(a) evaluated by an appropriate licensed health care provider as determined by the department; and

(b) in receipt of written clearance to return to play from the licensed health care provider.

(C) The licensed health care provider evaluating student athletes suspected of having a concussion or brain injury pursuant to this section may serve as a volunteer.

(D) In addition, local school districts may provide the guidelines established by the department pursuant to this section to organizations sponsoring athletic activity for student athletes on school property. Local school districts are not required to enforce compliance with these policies.”

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

‑‑‑‑XX‑‑‑‑