

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.