

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2728 Session of
2010

INTRODUCED BY BRIGGS, SEPTEMBER 14, 2010

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 20, 2010

AN ACT

1 Establishing standards for managing concussions and head
2 injuries to student athletes; assigning duties to the
3 Department of Health and the Department of Education; and
4 imposing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Safety in
9 Youth Sports Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Athletic activity." All of the following:

15 (1) Interscholastic athletics.

16 (2) An athletic contest or competition, other than
17 interscholastic athletics, that is sponsored by or associated
18 with a school entity, including cheerleading, club-sponsored
19 sports activities and sports activities sponsored by school-

1 affiliated organizations.

2 (3) Noncompetitive cheerleading that is sponsored by or
3 associated with a school entity.

4 (4) Practices, interschool practices and scrimmages for
5 all of the activities listed under paragraphs (1), (2) and
6 (3).

7 "Interscholastic athletics." As defined in section 1602-A of
8 the act of March 10, 1949 (P.L.30, No.14), known as the Public
9 School Code of 1949.

10 "School entity." As defined in section 1602-A of the act of
11 March 10, 1949 (P.L.30, No.14), known as the Public School Code
12 of 1949.

13 Section 3. Concussions and head injuries.

14 (a) Educational materials.--The Department of Health and the
15 Department of Education shall develop and post on their Internet
16 websites guidelines and other relevant materials to inform and
17 educate students participating in or desiring to participate in
18 an athletic activity, their parents and their coaches, about the
19 nature and risk of concussion and head injury, including the
20 risks associated with continuing to play or practice after a
21 concussion or head injury. In developing the guidelines and
22 materials, the departments shall utilize existing materials
23 developed by the Centers for Disease Control and Prevention. A
24 student participating in or desiring to participate in an
25 athletic activity and the student's parent or guardian shall
26 each school year, prior to participation by the student in an
27 athletic activity, sign and return to the student's school an
28 acknowledgment of receipt and review of a concussion and head
29 injury information sheet developed under this subsection.

30 (b) Informational meeting.--A school entity may hold an

1 informational meeting prior to the start of each athletic season
2 for all ages of competitors regarding concussions and other head
3 injuries, the importance of proper concussion management and how
4 neurocognitive testing can aid in the evaluation, management and
5 recovery process. In addition to students, parents, coaches and
6 other school officials, informational meetings may include
7 physicians, neuropsychologists, athletic trainers and physical
8 therapists.

9 (c) Removal from play.--A student who, as determined by a
10 licensed ~~physician~~ OR CERTIFIED HEALTH CARE PRACTITIONER WHOSE
11 SCOPE OF PRACTICE INCLUDES THE MANAGEMENT AND EVALUATION OF
12 CONCUSSIONS, coach from the student's team, GAME official,
13 ~~certified athletic trainer~~ or other official designated by the
14 student's school entity, exhibits signs or symptoms of a
15 concussion or head injury while participating in an athletic
16 activity shall be removed by the coach from participation at
17 that time. The student shall not return to participation until
18 the student is evaluated and cleared for return to participation
19 in writing by a licensed or certified health care practitioner
20 whose scope of practice includes the management and evaluation
21 of concussions.

22 (d) Training course.--Once every three years, a coach shall
23 complete a concussion management certification training course
24 offered by the Centers for Disease Control and Prevention, the
25 National Federation of State High School Associations or another
26 provider approved by the Department of Health. A coach shall not
27 coach an athletic activity until the coach completes the
28 training course required under this subsection.

29 (e) Penalties.--The governing body of a school entity shall
30 establish the following minimum penalties for a coach found in

violation of the requirements under subsection (c), which penalties shall take effect two years following the effective date of this section:

(1) For a first violation, suspension from coaching any athletic activity for the remainder of the season.

(2) For a second violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.

(3) For a third violation, permanent suspension from coaching any athletic activity.

(f) Other youth athletic activities.--The sponsors of youth athletic activities not specifically addressed by this act are encouraged to follow the guidance set forth in this act.

(g) Construction.--Nothing in this act shall be construed to abridge or limit any rights provided under a collective bargaining agreement or any rights provided under the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.

(h) Civil liability.--Nothing in this act shall be construed to create, establish, ~~expand, reduce, contract or eliminate~~ OR EXPAND any civil liability on the part of any school entity or school employee, INCLUDING ANY INDEPENDENT CONTRACTOR OR EMPLOYEE OF AN INDEPENDENT CONTRACTOR.

Section 4. Effective date.

This act shall take effect in 60 days.