

CHAPTER 234
SB 402 – FINAL VERSION

03/28/12 1408s
15May2012... 2124h
06/06/12 2483EBA

2012 SESSION

12-3062
04/03

SENATE BILL ***402***

AN ACT relative to the adoption of policies for the management of concussion and head injury in student sports.

SPONSORS: Sen. Houde, Dist 5; Sen. Lambert, Dist 13; Sen. Boutin, Dist 16; Sen. D'Allesandro, Dist 20; Sen. Kelly, Dist 10; Sen. Merrill, Dist 21; Sen. Larsen, Dist 15; Rep. White, Graf 11; Rep. Harding, Graf 11; Rep. Gile, Merr 10; Rep. Millham, Belk 5; Rep. Reagan, Rock 1

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill requires school districts to develop policies for the management of concussion and head injury in student sports and limits a school district's liability for injuries occurring on school district property.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the adoption of policies for the management of concussion and head injury in student sports.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 234:1 Legislative Findings. The general court finds that:

2 I. A concussion is caused by a blow or motion to the head or body that causes the brain to
3 move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a
4 concussion or head injury is not properly evaluated and managed.

5 II. Concussions are a type of mild brain injury that can disrupt the way the brain normally
6 works. Concussions can result from a fall or from players colliding with each other, the ground, or
7 obstacles. Concussions occur with or without loss of consciousness, but the vast majority occur
8 without loss of consciousness. When managed properly, the majority of concussions resolve without
9 direct medical intervention in 10-14 days.

10 III. Continuing to play with a concussion or symptoms of head injury leaves the student-
11 athlete especially vulnerable to greater injury and even death.

12 234:2 New Subdivision; Health and Sanitation; Head Injury Policies for Student Sports. Amend
13 RSA 200 by inserting after section 48 the following new subdivision:

14 Head Injury Policies for Student Sports

15 200:49 Head Injury Policies for Student Sports. Education is the key to identification and
16 appropriate management of all concussions. The school board of each school district is encouraged to
17 develop guidelines and other pertinent information and forms for student sports to inform and
18 educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk
19 of concussion and head injury including continuing to play after concussion or head injury. On an
20 annual basis, a school district or school is encouraged to distribute a concussion and head injury
21 information sheet to all student-athletes.

22 200:50 Removal of Student-Athlete.

23 I. A school employee coach, official, licensed athletic trainer, or health care provider who
24 suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall
25 remove the student-athlete from play immediately.

26 II. A student-athlete who has been removed from play shall not return to play on the same

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day or until he or she is evaluated by a health care provider and receives medical clearance and written authorization from that health care provider to return to play. The student-athlete shall also present written permission from a parent or guardian to return to play.

III. No person who authorizes a student-athlete to return to play shall be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

200:51 School Districts; Limitation of Liability. An employee of a school administrative unit, school, or chartered public school, or a school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student-athlete provided the action or inaction was in compliance with this subdivision and local school board policies relative to the management of concussions and head injuries. This limitation of liability shall extend to school-sponsored athletic activities. A school district or school may provide concussion guidelines to other organizations sponsoring athletic activities on school property, however the school district or school shall not be required to enforce compliance with such guidelines.

200:52 Definitions. As used in this subdivision:

I. "Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment and is trained in the evaluation and management of concussions.

II. "School property" means school property as defined in RSA 193-D:1, V.

III. "Student-athlete" means a student in grades 9-12 involved in student sports.

IV. "Student sports" means athletic programs for students in grades 9-12.

234:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 18, 2012

Effective Date: August 17, 2012