LEGISLATIVE BILL 260

Approved by the Governor April 14, 2011

Introduced by Lathrop, 12.

FOR AN ACT relating to sports-related injuries; to adopt the Concussion Awareness Act; and to provide an operative date.
Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Concussion Awareness Act.

Sec. 2. (1) The Legislature finds that concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities and that the risk of catastrophic injury or death is significant when a concussion or brain injury is not properly evaluated and managed.

(2) The Legislature further finds that concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness.

(3) The Legislature further finds that continuing to play with a concussion or symptoms of brain injury leaves a young athlete especially vulnerable to greater injury and even death. The Legislature recognizes that, despite having generally recognized return-to-play standards for concussion and brain injury, some young athletes are prematurely returned to play, resulting in actual or potential physical injury or death.

Sec. 3. For purposes of the Concussion Awareness Act:

(1) Chief medical officer means the chief medical officer as designated in section 81-3115; and

(2) Licensed health care professional means a physician or licensed practitioner under the direct supervision of a physician, a certified athletic trainer, a neuropsychologist, or some other qualified individual who (a) is registered, licensed, certified, or otherwise statutorily recognized by the State of Nebraska to provide health care services and (b) is trained in the evaluation and management of traumatic brain injuries among a pediatric population.

Sec. 4. (1) Each approved or accredited public, private, denominational, or parochial school shall:

(a) Make available training approved by the chief medical officer on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches of school athletic teams; and

(b) Require that concussion and brain injury information be provided on an annual basis to students and the students’ parents or guardians prior to such students initiating practice or competition. The information provided to students and the students’ parents or guardians shall include, but need not be limited to:

(i) The signs and symptoms of a concussion;

(ii) The risks posed by sustaining a concussion; and

(iii) The actions a student should take in response to sustaining a concussion, including the notification of his or her coaches.

(b) A student who participates on a school athletic team shall be removed from a practice or game when he or she is reasonably suspected of having sustained a concussion or brain injury in such practice or game after observation by a coach or a licensed health care professional who is professionally affiliated with or contracted by the school. Such student shall not be permitted to participate in any school supervised team athletic activities involving physical exertion, including, but not limited to, practices or games, until the student (i) has been evaluated by a licensed health care professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed health care professional, and (iii) has submitted the written and signed clearance to resume participation in athletic activities to the school accompanied by written permission to resume participation from the student’s parent or guardian.

(b) If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity under subdivision (2)(a) of this section, the parent or guardian
of the student shall be notified by the school of the date and approximate
time of the injury suffered by the student, the signs and symptoms of a
concussion or brain injury that were observed, and any actions taken to treat
the student.

(c) Nothing in this subsection shall be construed to require any
school to provide for the presence of a licensed health care professional at
any practice or game.

(d) The signature of an individual who represents that he or she
is a licensed health care professional on a written clearance to resume
participation that is provided to a school shall be deemed to be conclusive
and reliable evidence that the individual who signed the clearance is a
licensed health care professional. The school shall not be required to
determine or verify the individual’s qualifications.

Sec. 5. (1) Any city, village, business, or nonprofit organization
that organizes an athletic activity in which the athletes are nineteen years
of age or younger and are required to pay a fee to participate in the athletic
activity or whose cost to participate in the athletic activity is sponsored by
a business or nonprofit organization shall:

(a) Make available training approved by the chief medical officer on
how to recognize the symptoms of a concussion or brain injury and how to seek
proper medical treatment for a concussion or brain injury to all coaches; and

(b) Provide information on concussions and brain injuries to all
coaches and athletes and to a parent or guardian of each athlete that shall
include, but need not be limited to:

(i) The signs and symptoms of a concussion;

(ii) The risks posed by sustaining a concussion; and

(iii) The actions an athlete should take in response to sustaining a
concussion, including the notification of his or her coaches.

(2)(a) An athlete who participates in an athletic activity under
subsection (1) of this section shall be removed from a practice or game when
he or she is reasonably suspected of having sustained a concussion or brain
injury in such practice or game after observation by a coach or a licensed
health care professional. Such athlete shall not be permitted to participate
in any supervised athletic activities involving physical exertion, including,
but not limited to, practices or games, until the athlete (i) has been
evaluated by a licensed health care professional, (ii) has received written
and signed clearance to resume participation in athletic activities from
the licensed health care professional, and (iii) has submitted the written
and signed clearance to resume participation in athletic activities to the
city, village, business, or nonprofit organization that organized the athletic
activity accompanied by written permission to resume participation from
the athlete’s parent or guardian.

(b) If an athlete is reasonably suspected after observation of
having sustained a concussion or brain injury and is removed from an athletic
activity under subdivision (2)(a) of this section, the parent or guardian
of the athlete shall be notified by the coach or a representative of the
city, village, business, or nonprofit organization that organized the athletic
activity of the date and approximate time of the injury suffered by the
athlete, the signs and symptoms of a concussion or brain injury that were
observed, and any actions taken to treat the athlete.

(c) Nothing in this subsection shall be construed to require any
city, village, business, or nonprofit organization to provide for the presence
of a licensed health care professional at any practice or game.

(d) The signature of an individual who represents that he or she
is a licensed health care professional on a written clearance to resume
participation that is provided to a city, village, business, or nonprofit
organization shall be deemed to be conclusive and reliable evidence that the
individual who signed the clearance is a licensed health care professional.
The city, village, business, or nonprofit organization shall not be required to
determine or verify the individual’s qualifications.

Sec. 6. Nothing in the Concussion Awareness Act shall be construed
to create liability for or modify the liability or immunity of a school,
school district, city, village, business, or nonprofit organization or the
officers, employees, or volunteers of any such school, school district, city,
village, business, or nonprofit organization.

Sec. 7. This act becomes operative on July 1, 2012.