

SECOND REGULAR SESSION

# SENATE BILL NO. 1050

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 11, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6471S.011

## AN ACT

To repeal sections 167.765, 167.775, and 192.737, RSMo, and to enact in lieu thereof three new sections relating to brain injuries sustained by youth athletes.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 167.765, 167.775, and 192.737, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 167.765,  
3 167.775, and 192.737, to read as follows:

167.765. 1. The provisions of this section shall be known as the  
2 "Interscholastic Youth Sports Brain Injury Prevention Act". No later than  
3 December 31, 2011, the department of health and senior services shall work with  
4 a statewide association of school boards, a statewide activities association that  
5 provides oversight for athletic or activity eligibility for students and school  
6 districts, and an organization named by the department of health and senior  
7 services that specializes in support services, education, and advocacy of those  
8 with brain injuries to promulgate rules which develop guidelines, pertinent  
9 information, and forms to educate coaches, youth athletes, and parents or  
10 guardians of youth athletes of the nature and risk of concussion and brain injury  
11 including continuing to play after concussion or brain injury. The primary focus  
12 of rules promulgated under this section shall be the safety and protection against  
13 long-term injury to the youth athlete.

14 2. On a yearly basis, each school district shall distribute a concussion and  
15 brain injury information sheet to each youth athlete participating in the district's  
16 athletic program. The information form shall be signed by the youth athlete's  
17 parent or guardian and submitted to the school district prior to the youth  
18 athlete's participation in any athletic practice or competition.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19           **3. No student shall participate in any athletic practice or**  
20 **competition as part of a sport season for his or her public school**  
21 **district's athletic program unless he or she has undergone the following**  
22 **testing and interview within one month prior to such participation in**  
23 **the sport season:**

24           **(1) Neurocognitive testing;**

25           **(2) Neuromotor testing;**

26           **(3) Balance and vestibular testing; and**

27           **(4) An interview and any other testing to document previous**  
28 **concussion history.**

29 **Such testing and interview shall be required for every season of every**  
30 **sport in which the student athlete participates.**

31           **4. Each public school district shall develop its own concussion**  
32 **policy before July 1, 2017. The school district shall update such policy**  
33 **each school year. Such concussion policy shall:**

34           **(1) Establish requirements for the training and education of**  
35 **student athletes, the parents of student athletes, school staff, and**  
36 **coaches on concussions;**

37           **(2) Describe the manner in which school staff and coaches shall**  
38 **handle concussions and suspected concussions in student athletes;**

39           **(3) Establish graduated return-to-play protocols for student**  
40 **athletes confirmed to have sustained concussions; and**

41           **(4) Establish a procedure that documents, for each student**  
42 **athlete confirmed to have sustained a concussion, a plan for the student**  
43 **athlete to return to learning academic skills.**

44           **5. If the concussion policy described under subsection 4 of this**  
45 **section requires any certifications for certain persons, the school**  
46 **district shall store electronic or paper copies of all such certifications**  
47 **in a central location. The school board of the school district shall have**  
48 **access to such certifications and any relevant details connected with**  
49 **such certifications.**

50           **6. Any person acting as a coach for a public school district's**  
51 **athletic program shall complete training on concussions as required by**  
52 **the district's concussion policy described under subsection 4 of this**  
53 **section. The district shall document the completion of such training**  
54 **and keep such documentation in its records.**

55           **7. All teachers, staff, school counselors, and administrators in**

56 every public school district shall receive training in how to handle  
57 concussions in accordance with the concussion policy described under  
58 subsection 4 of this section.

59 [3.] 8. A youth athlete who is suspected of sustaining a concussion or  
60 brain injury in a practice or game shall be removed from competition at that time  
61 and for no less than twenty-four hours. **The public school district shall**  
62 **create an electronic or paper incident report regarding such**  
63 **suspicion. Such report shall provide any relevant details about the**  
64 **circumstances that led to such suspicion.**

65 [4.] 9. A youth athlete who has been removed from play **due to a**  
66 **suspected concussion or brain injury** shall not return to competition until  
67 the athlete:

68 (1) Is evaluated by a licensed health care provider trained in the  
69 evaluation and management of concussions as defined in the guidelines developed  
70 under subsection 1 of this section;

71 (2) **Receives an examination in which the student athlete is**  
72 **assessed for physical symptoms and undergoes neurocognitive testing,**  
73 **neuromotor testing, and balance and vestibular testing;** and

74 (3) **Receives written clearance to return to competition from [that] a**  
75 **health care provider who conducted any such examination described**  
76 **under this subsection.**

77 [5.] 10. Any rule or portion of a rule, as that term is defined in section  
78 536.010, that is created under the authority delegated in this section shall  
79 become effective only if it complies with and is subject to all of the provisions of  
80 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
81 nonseverable and if any of the powers vested with the general assembly pursuant  
82 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
83 a rule are subsequently held unconstitutional, then the grant of rulemaking  
84 authority and any rule proposed or adopted after August 28, 2011, shall be  
85 invalid and void.

167.775. 1. Any statewide athletic organization with a public school  
2 district as a member shall be required to publish an annual report relating to the  
3 impact of concussions and head injuries on student athletes which details efforts  
4 that may be made to minimize damages from injuries sustained by students  
5 participating in school sports. **The annual report may describe the types**  
6 **of concussion policies established by school districts under subsection**

7 **4 of section 167.765.** The annual report shall be distributed to the joint  
8 committee on education, the house committee on elementary and secondary  
9 education or any other education committee designated by the speaker of the  
10 house of representatives, and the senate committee on education or any other  
11 education committee designated by the president pro tem of the senate. The first  
12 report required under this section shall be completed and distributed no later  
13 than January 31, 2012. Such report shall be made available to school districts  
14 and to parents of students.

15 2. Notwithstanding any other law, no public school shall be a member of  
16 any statewide athletic organization failing to comply with the provisions of  
17 subsection 1 of this section.

192.737. 1. The department of health and senior services shall establish  
2 and maintain an information registry and reporting system for the purpose of  
3 data collection and needs assessment of brain and spinal cord injured persons in  
4 this state.

5 2. Reports of traumatic brain and spinal cord injuries shall be filed with  
6 the department by a treating physician or his designee within seven days of  
7 identification. The attending physician of any patient with traumatic brain or  
8 spinal cord injury who is in the hospital shall provide in writing to the chief  
9 administrative officer the information required to be reported by this  
10 section. The chief administrative officer of the hospital shall then have the duty  
11 to submit the required reports.

12 3. Reporting forms and the manner in which the information is to be  
13 reported shall be provided by the department. Such reports shall include, but  
14 shall not be limited to, the following information: name, age, and residence of the  
15 injured person[.]; the date and cause of the injury, **including whether the**  
16 **injury was sustained in an athletic event or practice;** the initial diagnosis;  
17 and such other information as required by the department.

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