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SENATE BILL NO. 1252

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 31, 2013)

(Patron Prior to Substitute—Senator Northam)

A BILL to amend and reenact § 22.1-271.5 of the Code of Virginia, relating to policies on concussions in student-athletes.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-271.5 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-271.5. Policies on concussions in student-athletes.

A. The Board of Education shall develop and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, and risks of not reporting the injury and continuing to play.

B. Each local school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Such policies shall require:

1. In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the local school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education; and

2. A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

C. Each non-interscholastic youth sports program utilizing public school property shall establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, based on either the local school division's guidelines developed in compliance with this section or the Board's Guidelines on Concussions in Student-Athletes. In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Local school divisions shall not be required to enforce compliance with such policies.

D. As used in this section:

"Non-interscholastic youth sports program" means a program organized for recreational athletic competition or instruction for youth.

2. That the Board of Education shall review and revise the guidelines as necessary, pursuant to subsection A of § 22.1-271.5, and shall work with the Virginia High School League, the Department of Health, the Virginia Athletic Trainers Association, the Virginia Physical Therapy Association, representatives of the Children's Hospital of the King's Daughters and the Children's National Medical Center, the Brain Injury Association of Virginia, the American Academy of Pediatrics, the Virginia College of Emergency Physicians, the Virginia Academy of Family Physicians, the Virginia Association of School Nurses, a representative from a non-interscholastic youth sports program, and any other interested stakeholders.