

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 260

Introduced by Lathrop, 12.

Read first time January 11, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to sports-related injuries; to adopt the
2 Concussion Awareness Act; and to provide an operative
3 date.

4 Be it enacted by the people of the State of Nebraska,

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

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

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

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

23 Sec. 3. For purposes of the Concussion Awareness Act,
24 licensed health care professional means a physician, an athletic
25 trainer, a neuropsychologist, or some other qualified individual who

1 (1) is registered, licensed, certified, or otherwise statutorily
2 recognized by the State of Nebraska to provide medical treatment and
3 (2) is experienced in the diagnosis and management of traumatic brain
4 injuries among a pediatric population.

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

7 (a) Make available training approved by the Board of
8 Medicine and Surgery on how to recognize the symptoms of a concussion
9 or brain injury and how to seek proper medical treatment for a
10 concussion or brain injury to all coaches of school athletic teams;
11 and

12 (b) Require that concussion and brain injury information
13 be provided on an annual basis to the student and the student's
14 parent or guardian prior to the student initiating practice or
15 competition. The information provided to the student and the
16 student's parent or guardian shall include, but not be limited to:

17 (i) The risks posed by sustaining a concussion;

18 (ii) The actions a student should take in response to
19 sustaining a concussion, including the notification of his or her
20 coaches; and

21 (iii) The signs and symptoms of a concussion.

22 (2)(a) A student who participates on a school athletic
23 team and is suspected by a coach, an athletic trainer, or a medical
24 professional of sustaining a concussion or brain injury in a practice
25 or game shall be removed from the practice or game at that time. Such

1 student shall not be permitted to participate in any school
2 supervised team athletic activities involving physical exertion,
3 including, but not limited to, practices or games, until the student
4 has been evaluated by a licensed health care professional and has
5 received written clearance to resume participation in athletic
6 activities from the licensed health care professional.

7 (b) If a student is suspected of sustaining a concussion
8 or brain injury and is removed from an athletic activity under
9 subdivision (2)(a) of this section, the parent or guardian of the
10 student shall be notified by the school of the date, time, and extent
11 of the injury suffered by the student and any actions taken to treat
12 the student.

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

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

22 (i) The risks posed by sustaining a concussion;

23 (ii) The actions an athlete should take in response to
24 sustaining a concussion, including the notification of his or her
25 coaches; and

1 (iii) The signs and symptoms of a concussion; and
2 (b) Make available training approved by the Board of
3 Medicine and Surgery on how to recognize the symptoms of a concussion
4 or brain injury and how to seek proper medical treatment for a
5 concussion or brain injury to all coaches.

6 (2)(a) An athlete who participates in an athletic
7 activity under subsection (1) of this section and is suspected by a
8 coach, an athletic trainer, or a medical professional of sustaining a
9 concussion or brain injury in a practice or game shall be removed
10 from the practice or game at that time. Such athlete shall not be
11 permitted to participate in any supervised athletic activities
12 involving physical exertion, including, but not limited to, practices
13 or games, until the athlete has been evaluated by a licensed health
14 care professional and has received written clearance to resume
15 participation in athletic activities from the licensed health care
16 professional.

17 (b) If an athlete is suspected of sustaining a concussion
18 or brain injury and is removed from an athletic activity under
19 subdivision (2)(a) of this section, the parent or guardian of the
20 athlete shall be notified by the coach or a representative of the
21 city, village, business, or nonprofit organization that organized the
22 athletic activity of the date, time, and extent of the injury
23 suffered by the athlete and any actions taken to treat the athlete.

24 Sec. 6. Nothing in the Concussion Awareness Act shall be
25 construed to create liability for or modify the liability or immunity

1 of a school, school district, city, village, business, or nonprofit
2 organization or the officers, employees, or volunteers of any such
3 school, school district, city, village, business, or nonprofit
4 organization.

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