

# 18A:40-41.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2010                    **CHAPTER:** 94

**NJSA:** 18A:40-41.1 (Requires development of interscholastic athletic head injury safety training program; requires certain measures to protect student athletes with concussions; and requires continuing education for athletic trainers)

**BILL NO:** A2743 (Substituted for S2106)

**SPONSOR(S)** Diegnan and others

**DATE INTRODUCED:** May 13, 2010

**COMMITTEE: ASSEMBLY:** Education

**SENATE:** Education

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE: ASSEMBLY:** October 25, 2010

**SENATE:** October 18, 2010

**DATE OF APPROVAL:** December 7, 2010

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Third reprint enacted)

A2743

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill)                    Yes

**COMMITTEE STATEMENT: ASSEMBLY:**                    Yes

**SENATE:**                    Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    Yes

**LEGISLATIVE FISCAL ESTIMATE:**                    No

S2106

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill)                    Yes

**COMMITTEE STATEMENT: ASSEMBLY:**                    No

**SENATE:**                    Yes

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Concussion law puts safety first," The Record, 12-8-10

"Christie signs legislation that attempts to protect young athletes from concussions," NewJerseyNewsroom.com, 12-8-10

"Christie signs concussion bill," Home News Tribune, 12-8-10

"Christie signs concussion bill," Courier News, 12-8-10

"Gov. Christie signs law to protect student athletes as Randolph football players look on," Daily Record, 12-8-10

"Student athletes get more defense," Asbury Park Press, 12-8-10

"Head start: Christie signs tougher concussion law," The Times, 12-8-10

"Christie signs concussion bill," Courier-Post, 12-8-10

"Law Creates new rules on concussions in New Jersey," The Press, 12-8-10

"NJ approves new concussion guidelines for youth sports," The Trentonian, 12-8-10

LAW/RWH

[Third Reprint]

**ASSEMBLY, No. 2743**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MAY 13, 2010

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Co-Sponsored by:**

**Assemblywoman Voss, Assemblyman Wolfe, Assemblywomen Evans, Angelini, Rodriguez, Lampitt, Senators Codey, Vitale, Bateman, Girgenti, Madden, Assemblymen Connors and Conaway**

**SYNOPSIS**

Requires development of interscholastic athletic head injury safety training program; requires certain measures to protect student athletes with concussions; and requires continuing education for athletic trainers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Education Committee on October 14, 2010, with amendments.

**(Sponsorship Updated As Of: 10/26/2010)**

1 AN ACT concerning the health of student-athletes and  
2 supplementing <sup>3</sup>P.L.1984, c.203 (C.45:9-37.35 et seq.) and<sup>3</sup>  
3 chapter 40 of Title 18A of the New Jersey Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Legislature finds and declares that:

9 a. A concussion is caused by a blow or motion to the head or  
10 body that disrupts the normal functioning of the brain, and can  
11 cause significant and sustained neuropsychological impairments  
12 including, but not limited to, problem solving, planning, memory,  
13 and behavioral problems;

14 b. The federal Centers for Disease Control and Prevention  
15 estimates that 300,000 concussions are sustained during sport-  
16 related activity in the United States, and more than 62,000  
17 concussions are sustained each year in high-school contact sports;

18 c. Although concussions are one of the most commonly  
19 reported injuries in children and adolescents who participate in  
20 sports and recreational activities, little effort and resources have  
21 been committed to inform athletes, coaches, and parents and  
22 guardians about the causes and symptoms of concussions;

23 d. If a person sustains a second concussion while still having  
24 symptoms of a previous concussion, it can lead to the severe  
25 impairment and even the death of the victim, and is referred to as  
26 second-impact syndrome; and

27 e. In order to ensure the safety of student-athletes, it is  
28 imperative that athletes, coaches, and parents and guardians are  
29 educated about the nature and treatment of concussions and other  
30 sports-related <sup>3</sup>[brain] head<sup>3</sup> injuries, and that all measures are  
31 taken to prevent a student-athlete from experiencing second-impact  
32 syndrome.  
33

34 2. a. The <sup>3</sup>[Commissioner] Department<sup>3</sup> of Education <sup>3</sup>[, in  
35 consultation with the Commissioner of Health and Senior  
36 Services,]<sup>3</sup> shall work to<sup>3</sup> develop and implement, by the 2011-  
37 2012 school year,<sup>3</sup> an <sup>3</sup>[awareness program concerning the  
38 prevention, risk, and treatment of sports-related concussions and  
39 other brain injuries among student-athletes. As a component of this  
40 awareness program, the commissioner shall develop a brain injury  
41 fact sheet that provides information about sports-related  
42 concussions and other brain injuries. The brain injury fact sheet  
43 shall include, but need not be limited to:

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly AED committee amendments adopted June 14, 2010.

<sup>2</sup>Assembly floor amendments adopted June 21, 2010.

<sup>3</sup>Senate SED committee amendments adopted October 14, 2010.

1 (1) information concerning the most effective means of  
2 preventing concussions and other brain injuries to ensure the safety  
3 of student-athletes;

4 (2) information identifying the signs and symptoms indicative of  
5 concussions and other brain injuries;

6 (3) information concerning the short and long-term dangers of  
7 concussions and other brain injuries; and

8 (4) information concerning **]**  
9 interscholastic athletic head injury safety training program. The  
10 program shall be completed by a school physician, a person who  
11 coaches a public school district or nonpublic school interscholastic  
12 sport, and an athletic trainer involved in a public or nonpublic  
13 school interscholastic sports program. The safety training program  
14 shall include, but need not be limited to, the following:

15 (1) the recognition of the symptoms of head and neck injuries,  
16 concussions, and injuries related to second-impact syndrome; and

17 (2)<sup>3</sup> the appropriate amount of time to delay the return to sports  
18 competition or practice of a student-athlete who has sustained a  
19 concussion or other <sup>3</sup>**[brain]** head<sup>3</sup> injury.

20 <sup>3</sup>**[The commissioner shall update the fact sheet as necessary and**  
21 **shall make copies available to nonpublic schools upon request.**

22 b. Beginning with the 2011-2012 school year, the  
23 Commissioner of Education shall annually distribute the brain  
24 injury fact sheet to all school districts in the State.

25 c. A school district shall distribute the fact sheet annually to all  
26 student-athletes, parents or guardians of student-athletes, coaches,  
27 and athletic trainers. The district shall require that the student-  
28 athlete and his parent or guardian both sign a copy of the fact sheet  
29 to acknowledge that they have read and understood the information  
30 provided in the fact sheet. **]**

31 b. The department shall update the safety training program as  
32 necessary to ensure that it reflects the most current information  
33 available on the nature, risk, and treatment of sports-related  
34 concussions and other head injuries.

35 c. The department shall develop an educational fact sheet that  
36 provides information about sports-related concussions and other  
37 head injuries. A school district or a nonpublic school that  
38 participates in an interscholastic sports program shall distribute the  
39 educational fact sheet annually to the parents or guardians of  
40 student-athletes and shall obtain a signed acknowledgment of the  
41 receipt of the fact sheet by the student-athlete and his parent or  
42 guardian.<sup>3</sup>

43  
44 3. a. <sup>2</sup>**[Each school district]** <sup>3</sup>**[The Commissioner of**  
45 **Education**<sup>2</sup>**]** Each school district<sup>3</sup> shall develop <sup>2</sup>**[and implement,**  
46 **by the 2011-2012 school year,]**<sup>2</sup> a written policy concerning the  
47 prevention and treatment of sports-related concussions and other

1 <sup>3</sup>[brain] head<sup>3</sup> injuries among student-athletes. The policy shall  
2 include, but need not be limited to, the procedure to be followed  
3 when it is suspected that a student-athlete has sustained a  
4 concussion or other <sup>3</sup>[brain] head<sup>3</sup> injury. <sup>2</sup>[A school district]  
5 When developing the <sup>3</sup>district<sup>3</sup> policy, <sup>3</sup>[the commissioner<sup>2</sup>] a  
6 school district<sup>3</sup> shall review the <sup>3</sup>[policies] model policy<sup>3</sup>  
7 established by the <sup>3</sup>Commissioner of Education pursuant to  
8 subsection b. of this section, the policies established by the<sup>3</sup> New  
9 Jersey State Interscholastic Athletic Association <sup>1</sup>[and],<sup>1</sup> the  
10 National Collegiate Athletic Association <sup>1</sup>, and <sup>3</sup>the<sup>3</sup>  
11 recommendations made by <sup>2</sup>the Brain Injury Association of New  
12 Jersey Concussion in Sports Steering Committee <sup>3</sup>, the Athletic  
13 Trainers' Society of New Jersey,<sup>3</sup> and<sup>2</sup> other organizations with  
14 expertise in the area of preventing or treating sports-related  
15 concussions and other <sup>3</sup>[brain] head<sup>3</sup> injuries among student-  
16 athletes<sup>1</sup> <sup>2</sup>[when developing the district policy]<sup>2</sup>. <sup>2</sup>Each school  
17 district shall implement the policy by the 2011-2012 school year.<sup>2</sup>

18 The policy shall be reviewed annually <sup>2</sup>[by a physician trained in  
19 the evaluation and management of concussions, athletic trainer, and  
20 coach]<sup>2</sup>, and <sup>2</sup>[shall be]<sup>2</sup> updated as necessary <sup>2</sup>, by the  
21 <sup>3</sup>[commissioner<sup>2</sup>] district<sup>3</sup> to ensure that it reflects the most  
22 current information available on the prevention, risk, and treatment  
23 of sports-related concussions and other <sup>3</sup>[brain] head<sup>3</sup> injuries.

24 b. <sup>3</sup>[A student-athlete who sustains or is suspected of having  
25 sustained a concussion or other brain injury while engaged in a  
26 sports competition or practice shall be immediately removed from  
27 the sports competition or practice in accordance with the <sup>2</sup>[school  
28 district's written]<sup>2</sup> policy. A student-athlete who is removed from  
29 competition or practice shall not participate in further sports activity  
30 until he is evaluated by a physician <sup>2</sup>or other licensed health care  
31 provider<sup>2</sup> trained in the evaluation and management of concussions,  
32 and receives written clearance from <sup>2</sup>[that] a<sup>2</sup> physician <sup>2</sup>trained in  
33 the evaluation and management of concussions<sup>2</sup> to return to  
34 competition or practice.] To assist school districts in developing  
35 policies concerning the prevention and treatment of sports-related  
36 concussions and other head injuries among student-athletes, the  
37 Commissioner of Education shall develop a model policy applicable  
38 to grades kindergarten through 12. This model policy shall be  
39 issued no later than March 31, 2011.<sup>3</sup>

40  
41 <sup>3</sup>4. A student who participates in an interscholastic sports  
42 program and who sustains or is suspected of having sustained a  
43 concussion or other head injury while engaged in a sports  
44 competition or practice shall be immediately removed from the  
45 sports competition or practice. A student-athlete who is removed

1 from competition or practice shall not participate in further sports  
2 activity until he is evaluated by a physician or other licensed  
3 healthcare provider trained in the evaluation and management of  
4 concussions, and receives written clearance from a physician  
5 trained in the evaluation and management of concussions to return  
6 to competition or practice.<sup>3</sup>

7  
8 <sup>3</sup>5. a. A school district and nonpublic school shall not be liable  
9 for the injury or death of a person due to the action or inaction of  
10 persons employed by, or under contract with, a youth sports team  
11 organization that operates on school grounds, if the youth sports  
12 team organization provides the district or nonpublic school, as  
13 applicable, with the following:

14 (1) proof of an insurance policy of an amount of not less than  
15 \$50,000 per person, per occurrence insuring the youth sports team  
16 organization against liability for any bodily injury suffered by a  
17 person; and

18 (2) a statement of compliance with the school district or  
19 nonpublic school's policies for the management of concussions and  
20 other head injuries.

21 b. As used in this section, a "youth sports team organization"  
22 means one or more sports teams organized pursuant to a nonprofit  
23 or similar charter or which are member teams in a league organized  
24 by or affiliated with a county or municipal recreation department.<sup>3</sup>

25  
26 <sup>3</sup>6. a. The State Board of Medical Examiners shall require each  
27 person licensed as an athletic trainer, as a condition for biennial  
28 license renewal pursuant to section 14 of P.L.1984, c.203 (C.45:9-  
29 37.48), to complete 24 credits of continuing athletic trainer  
30 education, which shall include a specific number of credits of  
31 instruction on topics related to concussions and head injuries, as  
32 determined by the State Board of Medical Examiners.

33 b. The board shall:

34 (1) establish standards for continuing athletic trainer education,  
35 including the subject matter and content of courses of study; and

36 (2) accredit education programs offering credit toward  
37 continuing athletic trainer education requirements or recognize  
38 national or State organizations that may accredit education  
39 programs.

40 c. Each hour of an educational course or program shall be  
41 equivalent to one credit of continuing athletic trainer education.

42 d. The board may, in its discretion, waive requirements for  
43 continuing athletic trainer education on an individual basis for  
44 reasons of hardship such as illness or disability, retirement of  
45 license, or other good cause. A waiver shall apply only to the  
46 current biennial renewal period at the time of board issuance.

1       e. The board shall not require completion of continuing athletic  
2 trainer education credits for any licensure period commencing  
3 within 12 months of the effective date of this section.

4       f. The board shall require completion of athletic trainer  
5 education credits on a pro-rated basis for any registration period  
6 commencing more than 12 months but less than 24 months from the  
7 effective date of this section.

8       g. Prior to license renewal, each licensee shall submit to the  
9 board proof of completion of the required number of hours of  
10 continuing athletic trainer education.<sup>3</sup>

11  
12       <sup>3</sup>[4. This] 7. Sections 1 through 5 of this<sup>3</sup> act shall take effect  
13 immediately<sup>3</sup> and section 6 shall take effect on the 360th day after  
14 the date of enactment<sup>3</sup>.



# ASSEMBLY, No. 2743

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 13, 2010

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex)**

**Co-Sponsored by:**

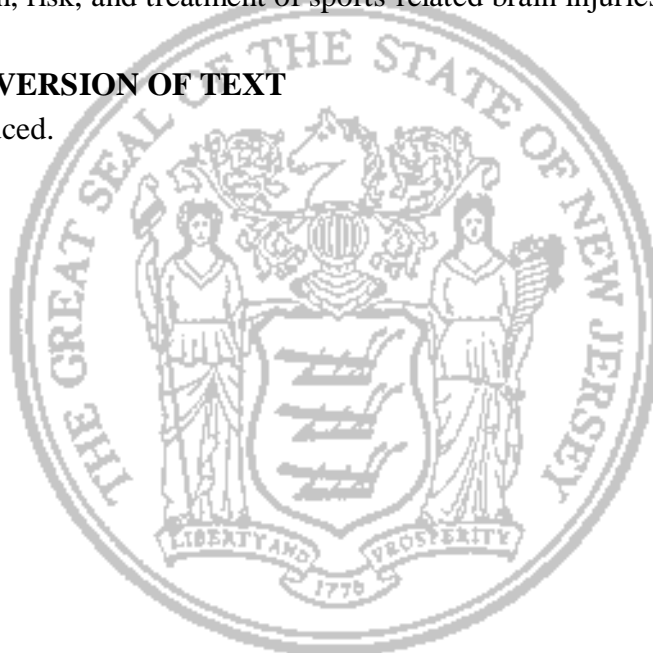
**Assemblywoman Voss, Assemblyman Wolfe, Assemblywomen Evans and Angelini**

**SYNOPSIS**

Requires development of a student-athlete awareness program concerning the prevention, risk, and treatment of sports-related brain injuries.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/15/2010)**

1 AN ACT concerning the health of student-athletes and  
2 supplementing chapter 40 of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that:

9 a. A concussion is caused by a blow or motion to the head or  
10 body that disrupts the normal functioning of the brain, and can  
11 cause significant and sustained neuropsychological impairments  
12 including, but not limited to, problem solving, planning, memory,  
13 and behavioral problems;

14 b. The federal Centers for Disease Control and Prevention  
15 estimates that 300,000 concussions are sustained during sport-  
16 related activity in the United States, and more than 62,000  
17 concussions are sustained each year in high-school contact sports;

18 c. Although concussions are one of the most commonly  
19 reported injuries in children and adolescents who participate in  
20 sports and recreational activities, little effort and resources have  
21 been committed to inform athletes, coaches, and parents and  
22 guardians about the causes and symptoms of concussions;

23 d. If a person sustains a second concussion while still having  
24 symptoms of a previous concussion, it can lead to the severe  
25 impairment and even the death of the victim, and is referred to as  
26 second-impact syndrome; and

27 e. In order to ensure the safety of student-athletes, it is  
28 imperative that athletes, coaches, and parents and guardians are  
29 educated about the nature and treatment of concussions and other  
30 sports-related brain injuries, and that all measures are taken to  
31 prevent a student-athlete from experiencing second-impact  
32 syndrome.

33  
34 2. a. The Commissioner of Education, in consultation with the  
35 Commissioner of Health and Senior Services, shall develop an  
36 awareness program concerning the prevention, risk, and treatment  
37 of sports-related concussions and other brain injuries among  
38 student-athletes. As a component of this awareness program, the  
39 commissioner shall develop a brain injury fact sheet that provides  
40 information about sports-related concussions and other brain  
41 injuries. The brain injury fact sheet shall include, but need not be  
42 limited to:

43 (1) information concerning the most effective means of  
44 preventing concussions and other brain injuries to ensure the safety  
45 of student-athletes;

46 (2) information identifying the signs and symptoms indicative of  
47 concussions and other brain injuries;

1 (3) information concerning the short and long-term dangers of  
2 concussions and other brain injuries; and

3 (4) information concerning the appropriate amount of time to  
4 delay the return to sports competition or practice of a student-  
5 athlete who has sustained a concussion or other brain injury.

6 The commissioner shall update the fact sheet as necessary and  
7 shall make copies available to nonpublic schools upon request.

8 b. Beginning with the 2011-2012 school year, the  
9 Commissioner of Education shall annually distribute the brain  
10 injury fact sheet to all school districts in the State.

11 c. A school district shall distribute the fact sheet annually to all  
12 student-athletes, parents or guardians of student-athletes, coaches,  
13 and athletic trainers. The district shall require that the student-  
14 athlete and his parent or guardian both sign a copy of the fact sheet  
15 to acknowledge that they have read and understood the information  
16 provided in the fact sheet.

17

18 3. a. Each school district shall develop and implement, by the  
19 2011-2012 school year, a written policy concerning the prevention  
20 and treatment of sports-related concussions and other brain injuries  
21 among student-athletes. The policy shall include, but need not be  
22 limited to, the procedure to be followed when it is suspected that a  
23 student-athlete has sustained a concussion or other brain injury. A  
24 school district shall review the policies established by the New  
25 Jersey State Interscholastic Athletic Association and the National  
26 Collegiate Athletic Association when developing the district policy.

27 The policy shall be reviewed annually by a physician trained in  
28 the evaluation and management of concussions, athletic trainer, and  
29 coach, and shall be updated as necessary to ensure that it reflects  
30 the most current information available on the prevention, risk, and  
31 treatment of sports-related concussions and other brain injuries.

32 b. A student-athlete who sustains or is suspected of having  
33 sustained a concussion or other brain injury while engaged in a  
34 sports competition or practice shall be immediately removed from  
35 the sports competition or practice in accordance with the school  
36 district's written policy. A student-athlete who is removed from  
37 competition or practice shall not participate in further sports activity  
38 until he is evaluated by a physician trained in the evaluation and  
39 management of concussions, and receives written clearance from  
40 that physician to return to competition or practice.

41

42 4. This act shall take effect immediately.

43

44

45

STATEMENT

46

47 This bill requires the Commissioner of Education, in consultation  
48 with the Commissioner of Health and Senior Services, to develop

1 an awareness program concerning the prevention, risk, and  
2 treatment of sports-related concussions and other brain injuries  
3 among student-athletes. The awareness program will include the  
4 following components:

5 (1) the development by the commissioner of a brain injury fact  
6 sheet that provides information concerning the prevention,  
7 symptoms, and dangers of concussions and other brain injuries.  
8 The fact sheet will also include information on the appropriate  
9 amount of time to delay a student's return to competition;

10 (2) the annual distribution of the fact sheet to student-athletes,  
11 parents, coaches, and athletic trainers; and

12 (3) the development by school districts of a written policy  
13 concerning the prevention and treatment of sports-related  
14 concussions and other brain injuries. The written policy will also  
15 include the procedure to be followed when it is suspected that a  
16 student-athlete has sustained a concussion or other brain injury.

17 Under the bill, a student-athlete who sustains or is suspected of  
18 having sustained a concussion or other brain injury while engaged  
19 in a sports competition or practice is required to be immediately  
20 removed from the sports competition or practice, in accordance with  
21 the school district's written policy. The student-athlete may not  
22 participate in further sports activity until he is evaluated by a  
23 physician trained in the evaluation and management of concussions,  
24 and receives written clearance from that physician to return to  
25 competition or practice.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2743**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 14, 2010

The Assembly Education Committee favorably reports Assembly Bill No. 2743 with committee amendments.

As amended, this bill requires the Commissioner of Education, in consultation with the Commissioner of Health and Senior Services, to develop an awareness program concerning the prevention, risk, and treatment of sports-related concussions and other brain injuries among student-athletes. The awareness program will include the following components:

(1) the development by the commissioner of a brain injury fact sheet that provides information concerning the prevention, symptoms, and dangers of concussions and other brain injuries. The fact sheet will also include information on the appropriate amount of time to delay a student's return to competition; and

(2) the annual distribution of the fact sheet to student-athletes, parents, coaches, and athletic trainers.

The bill also requires school districts to develop a written policy concerning the prevention and treatment of sports-related concussions and other brain injuries. The written policy will also include the procedure to be followed when it is suspected that a student-athlete has sustained a concussion or other brain injury.

Under the bill, a student-athlete who sustains or is suspected of having sustained a concussion or other brain injury while engaged in a sports competition or practice is required to be immediately removed from the sports competition or practice, in accordance with the school district's written policy. The student-athlete may not participate in further sports activity until he is evaluated by a physician trained in the evaluation and management of concussions, and receives written clearance from that physician to return to competition or practice.

The committee amended the bill to direct a school district to review recommendations made by organizations with expertise in preventing or treating sports-related concussions and other brain injuries in student-athletes when developing its written policy on the matter. In its original form, the bill only required a district to review the policies of the New Jersey State Interscholastic Athletic Association and the National Collegiate Athletic Association.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2743**

with Assembly Floor Amendments  
(Proposed by Assemblyman DIEGNAN)

ADOPTED: JUNE 21, 2010

These Assembly floor amendments specify that the Commissioner of Education, rather than each school district, will develop a written policy concerning the prevention and treatment of sports-related concussions and other brain injuries among student-athletes. School districts would be required to implement the policy no later than the 2011-2012 school year. The amendments also require that, when developing the policy, the commissioner review the recommendations developed by the New Jersey Brain Injury Association Concussion in Sports Steering Committee. The amendments also provide that a student-athlete who has been removed from a competition or practice after sustaining or being suspected of having sustained a concussion, may be evaluated by a licensed health care provider who is trained in the evaluation and management of concussions. In its current form, the bill only allows a trained physician to evaluate the student-athlete.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

[Second Reprint]  
**ASSEMBLY, No. 2743**

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Senate Education Committee favorably reports Assembly Bill No. 2743 (2R) with committee amendments.

As amended, this bill requires the Department of Education to develop an interscholastic athletic head injury safety training program. The program must be completed by a school physician, a person who coaches a public school district or nonpublic school interscholastic sport, and an athletic trainer involved in a public or nonpublic school interscholastic sports program. The bill also directs the department to develop an educational fact sheet that provides information about sports-related concussions and other head injuries. A school district or a nonpublic school that participates in an interscholastic sports program must distribute the educational fact sheet annually to the parents or guardians of student-athletes and must obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete and his parent or guardian.

The bill requires each school district to develop a written policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes. The policy must include the procedure to be followed when it is suspected that a student-athlete has sustained a concussion or other head injury. To assist school districts in developing these policies, the Commissioner of Education must develop a model policy applicable to grades kindergarten through 12. The model policy must be issued no later than March 31, 2011.

Under the bill, a student who participates in an interscholastic sports program and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a sports competition or practice must be immediately removed from the sports competition or practice. A student-athlete who is removed from competition or practice cannot participate in further sports activity until he is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions, and receives written

clearance from a physician trained in the evaluation and management of concussions to return to competition or practice.

The bill provides that a school district or nonpublic school will not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the organization provides proof of insurance and a statement of compliance with the school district or nonpublic school's policies for the management of concussions and other head injuries.

Finally, the bill requires each person licensed as an athletic trainer, as a condition for biennial license renewal, to complete 24 hours of continuing education credits, including a specific number of credits of instruction on topics related to concussions and head injuries.

The committee amended the bill to provide that:

- the interscholastic athletic head injury safety training program will be completed by a school physician, a person who coaches a public school district or nonpublic school interscholastic sport, and an athletic trainer involved in a public or nonpublic school interscholastic sports program;
- each school district, rather than the Commissioner of Education, will develop a written policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes;
- the Commissioner of Education will develop a model policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes which will be reviewed by districts in developing their own policies;
- a school district or nonpublic school will not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the organization provides certain documentation; and
- each person licensed as an athletic trainer must, as a condition for biennial license renewal, complete 24 hours of continuing education credits, including a specific number of credits of instruction on topics related to concussions and head injuries.

As reported by the committee, this bill is identical to the Senate Committee Substitute for Senate Bill No. 2106, which also was reported by the committee on this same date.



# SENATE, No. 2106

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 24, 2010

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Requires development of a student-athlete awareness program concerning the prevention, risk, and treatment of sports-related brain injuries.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the health of student-athletes and  
2 supplementing chapter 40 of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that:

9 a. A concussion is caused by a blow or motion to the head or  
10 body that disrupts the normal functioning of the brain, and can  
11 cause significant and sustained neuropsychological impairments  
12 including, but not limited to, problem solving, planning, memory,  
13 and behavioral problems;

14 b. The federal Centers for Disease Control and Prevention  
15 estimates that 300,000 concussions are sustained during sport-  
16 related activity in the United States, and more than 62,000  
17 concussions are sustained each year in high-school contact sports;

18 c. Although concussions are one of the most commonly  
19 reported injuries in children and adolescents who participate in  
20 sports and recreational activities, little effort and resources have  
21 been committed to inform athletes, coaches, and parents and  
22 guardians about the causes and symptoms of concussions;

23 d. If a person sustains a second concussion while still having  
24 symptoms of a previous concussion, it can lead to the severe  
25 impairment and even the death of the victim, and is referred to as  
26 second-impact syndrome; and

27 e. In order to ensure the safety of student-athletes, it is  
28 imperative that athletes, coaches, and parents and guardians are  
29 educated about the nature and treatment of concussions and other  
30 sports-related brain injuries, and that all measures are taken to  
31 prevent a student-athlete from experiencing second-impact  
32 syndrome.

33  
34 2. a. The Commissioner of Education, in consultation with the  
35 Commissioner of Health and Senior Services, shall develop an  
36 awareness program concerning the prevention, risk, and treatment  
37 of sports-related concussions and other brain injuries among  
38 student-athletes. As a component of this awareness program, the  
39 commissioner shall develop a brain injury fact sheet that provides  
40 information about sports-related concussions and other brain  
41 injuries. The brain injury fact sheet shall include, but need not be  
42 limited to:

43 (1) information concerning the most effective means of  
44 preventing concussions and other brain injuries to ensure the safety  
45 of student-athletes;

46 (2) information identifying the signs and symptoms indicative of  
47 concussions and other brain injuries;

1 (3) information concerning the short and long-term dangers of  
2 concussions and other brain injuries; and

3 (4) information concerning the appropriate amount of time to  
4 delay the return to sports competition or practice of a student-  
5 athlete who has sustained a concussion or other brain injury.

6 The commissioner shall update the fact sheet as necessary and  
7 shall make copies available to nonpublic schools upon request.

8 b. Beginning with the 2011-2012 school year, the  
9 Commissioner of Education shall annually distribute the brain  
10 injury fact sheet to all school districts in the State.

11 c. A school district shall distribute the fact sheet annually to all  
12 student-athletes, parents or guardians of student-athletes, coaches,  
13 and athletic trainers. The district shall require that the student-  
14 athlete and his parent or guardian both sign a copy of the fact sheet  
15 to acknowledge that they have read and understood the information  
16 provided in the fact sheet.

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18 3. a. Each school district shall develop and implement, by the  
19 2011-2012 school year, a written policy concerning the prevention  
20 and treatment of sports-related concussions and other brain injuries  
21 among student-athletes. The policy shall include, but need not be  
22 limited to, the procedure to be followed when it is suspected that a  
23 student-athlete has sustained a concussion or other brain injury. A  
24 school district shall review the policies established by the New  
25 Jersey State Interscholastic Athletic Association, the National  
26 Collegiate Athletic Association, and recommendations made by  
27 other organizations with expertise in the area of preventing or  
28 treating sports-related concussions and other brain injuries among  
29 student-athletes when developing the district policy.

30 The policy shall be reviewed annually by a physician trained in  
31 the evaluation and management of concussions, athletic trainer, and  
32 coach, and shall be updated as necessary to ensure that it reflects  
33 the most current information available on the prevention, risk, and  
34 treatment of sports-related concussions and other brain injuries.

35 b. A student-athlete who sustains or is suspected of having  
36 sustained a concussion or other brain injury while engaged in a  
37 sports competition or practice shall be immediately removed from  
38 the sports competition or practice in accordance with the school  
39 district's written policy. A student-athlete who is removed from  
40 competition or practice shall not participate in further sports activity  
41 until he is evaluated by a physician trained in the evaluation and  
42 management of concussions, and receives written clearance from  
43 that physician to return to competition or practice.

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45 4. This act shall take effect immediately.

STATEMENT

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This bill requires the Commissioner of Education, in consultation with the Commissioner of Health and Senior Services, to develop an awareness program concerning the prevention, risk, and treatment of sports-related concussions and other brain injuries among student-athletes. The awareness program will include the following components:

(1) the development by the commissioner of a brain injury fact sheet that provides information concerning the prevention, symptoms, and dangers of concussions and other brain injuries. The fact sheet will also include information on the appropriate amount of time to delay a student’s return to competition; and

(2) the annual distribution of the fact sheet to student-athletes, parents, coaches, and athletic trainers.

The bill also requires school districts to develop a written policy concerning the prevention and treatment of sports-related concussions and other brain injuries. The written policy will also include the procedure to be followed when it is suspected that a student-athlete has sustained a concussion or other brain injury.

Under the bill, a student-athlete who sustains or is suspected of having sustained a concussion or other brain injury while engaged in a sports competition or practice is required to be immediately removed from the sports competition or practice, in accordance with the school district’s written policy. The student-athlete may not participate in further sports activity until he is evaluated by a physician trained in the evaluation and management of concussions, and receives written clearance from that physician to return to competition or practice.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2106**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 14, 2010

The Senate Education Committee favorably reports a Senate Committee Substitute for Senate Bill No. 2106.

This substitute requires the Department of Education to develop an interscholastic athletic head injury safety training program. The program must be completed by a school physician, a person who coaches a public school district or nonpublic school interscholastic sport, and an athletic trainer involved in a public or nonpublic school interscholastic sports program. The substitute also directs the department to develop an educational fact sheet that provides information about sports-related concussions and other head injuries. A school district or a nonpublic school that participates in an interscholastic sports program must distribute the educational fact sheet annually to the parents or guardians of student-athletes and must obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete and his parent or guardian.

The substitute requires each school district to develop a written policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes. The policy must include the procedure to be followed when it is suspected that a student-athlete has sustained a concussion or other head injury. To assist school districts in developing these policies, the Commissioner of Education must develop a model policy applicable to grades kindergarten through 12. The model policy must be issued no later than March 31, 2011.

Under the substitute, a student who participates in an interscholastic sports program and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a sports competition or practice must be immediately removed from the sports competition or practice. A student-athlete who is removed from competition or practice cannot participate in further sports activity until he is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions, and receives written clearance from a physician trained in the evaluation and management of concussions to return to competition or practice.

The substitute provides that a school district or nonpublic school will not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the organization provides proof of insurance and a statement of compliance with the school district or nonpublic school's policies for the management of concussions and other head injuries.

Finally, the substitute requires each person licensed as an athletic trainer, as a condition for biennial license renewal, to complete 24 hours of continuing education credits, including a specific number of credits of instruction on topics related to concussions and head injuries.

As reported by the committee, this substitute is identical to Assembly Bill No. 2743 (2R) with committee amendments, which also was reported by the committee on this same date.