

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-75 SO AS TO REQUIRE THE BRAIN INJURY ASSOCIATION OF SOUTH CAROLINA TO DEVELOP MODEL GUIDELINES AND PROCEDURES REGARDING THE IDENTIFICATION OF SUSPECTED CONCUSSIONS IN STUDENT ATHLETES AND REQUIREMENTS FOR THEIR REMOVAL AND RETURN TO PLAY; TO REQUIRE THE MODEL GUIDELINES TO INCORPORATE BEST PRACTICES AND APPROPRIATE ACADEMIC INSTRUCTIONAL ALTERNATIVES FOR CONCUSSED ATHLETES; TO REQUIRE SCHOOL DISTRICTS TO DEVELOP GUIDELINES AND PROCEDURES BASED ON THE MODEL GUIDELINES; TO REQUIRE EACH SCHOOL DISTRICT TO PROVIDE INFORMATION ON CONCUSSIONS ANNUALLY; AND TO PROVIDE IMMUNITY FROM LIABILITY, EXCEPT FOR GROSS MISCONDUCT, FOR AN ATHLETIC TRAINER, OR PHYSICIAN WHO EVALUATES A STUDENT ATHLETE AND DETERMINES THE ATHLETE DOES NOT HAVE THE SIGNS AND SYMPTOMS OF A CONCUSSION, AND AUTHORIZES THE ATHLETE TO RETURN TO PLAY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59-63-75. (A) ^{DHEC} The Brain Injury Association of South Carolina shall develop model guidelines and procedures regarding the identification and management of suspected concussions in student athletes. These guidelines must incorporate

best practices guidelines for the identification, management and return to play decisions for concussions reflective of current scientific and medical literature and endorsed by expert opinion in the sports medicine community from organizations including, but not limited to the South Carolina Athletic Trainer's Association, the National Federation of High Schools, the Center for Disease Control, or the American Academy of Pediatrics. These guidelines also must include appropriate academic instructional alternatives for the concussed student athlete. Guidelines developed pursuant to this section apply to South Carolina High School League sanctioned events.

(B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures developed by the ~~Brain Injury Association of South Carolina.~~

DHEC

(C) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian's receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice.

(D)(1) If a coach, athletic trainer, or physician suspects that a student athlete, under the control of the coach, athletic trainer, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall be removed from practice or competition at that time.

(D) (2) A student athlete who has been removed from play may return to play if, as a result of evaluating the student athlete onsite,

the athletic trainer or physician determines in his or her best professional judgment that the student athlete does not have any signs or symptoms of a concussion or brain injury

. (D) (3) A student athlete who has been removed from play and evaluated and who is suspected of having a concussion or brain injury may not return to play until the student athlete has received written medical clearance by doctor of medicine or a doctor of osteopathic medicine, licensed pursuant to Section 40-47-20, who has had training in concussion evaluation and management.

(D) (4) The athletic trainer or physician who evaluates the student athlete and authorizes the student athlete to return to play is not liable for civil damages resulting from an act or omission in rendering this decision, other than acts or omissions constituting gross negligence or willful wanton misconduct. This immunity applies to an athletic trainer or physician whether or not the athletic trainer or physician received remuneration for his or her services or was serving as a volunteer.

(E) For the purposes of this section, 'student athlete' includes cheerleaders.”

SECTION 2. This act takes effect upon approval by the Governor.