

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 116
Feb 15, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40059-MK-38 (01/13)

Short Title: Student Safety in Athletics.

(Public)

Sponsors: Representatives Warren, Lambeth, Murphy, and Rogers (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION AND LOCAL BOARDS OF EDUCATION TO EDUCATE THOSE INVOLVED IN SCHOOL ATHLETIC ACTIVITIES ON SUDDEN CARDIAC ARREST AND HEAT-RELATED ILLNESSES, TO DIRECT THE STATE BOARD TO ESTABLISH A DATABASE ON THE OCCURRENCE OF INJURY AND ILLNESS OF STUDENT ATHLETES PARTICIPATING IN ATHLETIC ACTIVITIES, AND TO RECODIFY THE STATUTORY PROVISIONS ON CONCUSSION SAFETY AND EMERGENCY ACTION PLANS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 29E.

"Student Safety in Athletics.

"§ 115C-407.40. Definitions.

The following definitions apply in this Article:

- (1) Athletic activity. – An activity offered to students enrolled in a high school or middle school covering grades six or higher under any of the following circumstances:
 - a. Interscholastic athletics.
 - b. An athletic contest or competition, other than interscholastic athletics, that is sponsored by a school, including cheerleading, or any other sports activities provided by a club or school-affiliated organization that is school-sponsored.
 - c. Practices, interschool practices, and scrimmages for all of the activities listed under this subdivision.
- (2) Catastrophic illness or injury. – An illness or injury occurring during athletic activity that results in a fatality, permanent disability, or serious injury, including a fractured neck, severe traumatic brain injury such as a subdural hematoma, temporary or transient paralysis, heat stroke related to exercise, sickle-cell trait associated collapse, sudden cardiac arrest, or commotio cordis.
- (3) Concussion. – A traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in loss of consciousness.
- (4) Heat exhaustion. – A heat-related illness resulting in the depletion of body fluids and causing weakness, dizziness, nausea, and possible collapse.



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1 (5) Heat stroke. – A heat-related illness in which the person's core body
2 temperature is greater than 105 degrees Fahrenheit, with complications
3 involving the central nervous system that occur after exposure to high
4 temperatures.

5 (6) Sudden cardiac arrest. – The sudden, unexpected loss of heart function,
6 breathing, and consciousness.

7 **"§ 115C-407.41. Sudden cardiac arrest education.**

8 (a) The State Board of Education shall develop guidelines and educational materials,
9 which may be provided through a directory of relevant Web sites, to be used by local boards of
10 education to inform students who participate in athletic activities and those students' parents and
11 coaches on the awareness, recognition, and management of sudden cardiac arrest. In developing
12 these guidelines and materials, the State Board may utilize existing materials developed by heart
13 health awareness organizations, including the American Heart Association, Parent Heart Watch,
14 and the Sudden Arrhythmia Death Syndromes Foundation. The State Board shall also publish a
15 list of approved providers of CPR instruction training courses to be offered to coaches of athletic
16 activities.

17 (b) Each local school administrative unit shall require the head coach or the athletic
18 director for each athletic activity to complete and maintain CPR certification offered by a provider
19 approved by the State Board of Education under subsection (a) of this section. A coach shall not
20 be eligible to coach an athletic activity until such time the coach completes the training course.

21 (c) Other sponsors of youth athletic activities are encouraged to adopt guidelines to
22 address sudden cardiac arrest for students participating in athletics that are consistent with this
23 section.

24 **"§ 115C-407.42. Heat exhaustion and heat stroke education; removal from athletic**
25 **participation.**

26 (a) The State Board of Education shall adopt guidelines and educational materials, which
27 may be provided through a directory of relevant Web sites, to be used by local boards of education
28 to inform students who participate in athletic activities and those students' parents and coaches on
29 (i) heat-related illnesses, including heat stroke and heat exhaustion, and (ii) the health risks
30 associated with continuing athletic play or practice after experiencing signs and symptoms of a
31 heat-related illness. In developing these guidelines and materials, the State Board may utilize
32 existing materials on the signs, symptoms, and prevention of heat-related illnesses, including
33 guidelines on heat and humidity adopted by the North Carolina High School Athletic Association.

34 (b) Each local board of education shall adopt a mandatory heat stroke prevention protocol
35 for students participating in athletic activities consistent with the guidelines and educational
36 materials adopted in accordance with subsection (a) of this section. A student who exhibits
37 symptoms of heat exhaustion or heat stroke, as determined by a game official, coach from the
38 student's team, verified athletic trainer, licensed healthcare professional, or other official
39 designated by the school under the venue-specific emergency action plan under G.S. 115C-407.45,
40 at any time prior to, during, or following an athletic activity shall be removed by the coach from
41 participation in an athletic activity. The venue-specific emergency action plan shall provide for
42 circumstances in which specific cooling methods must be made available during an athletic
43 activity, including weather conditions requiring access to an immersion pool. A student removed
44 or prevented from participating in an athletic activity in accordance with this subsection shall not
45 return to participation until the student is evaluated and cleared for return to participation in
46 writing by (i) the student's parent or legal guardian or (ii) a licensed healthcare professional or
47 other official designated by the school under the venue-specific emergency action plan.

48 (c) Other sponsors of youth athletic activities are encouraged to adopt guidelines to
49 address heat-related illness for students participating in athletics that are consistent with this
50 section.

51 **"§ 115C-407.43. Concussion safety.**

1 The State Board of Education shall adopt rules governing interscholastic athletic activities
2 with regard to concussion safety for student athletes in middle schools and high schools that
3 provide for the following:

4 (1) All coaches, school nurses, athletic directors, first responders, volunteers,
5 students who participate in interscholastic athletic activities, and the parents of
6 those students shall receive, on an annual basis, a concussion and head injury
7 information sheet. School employees, first responders, volunteers, and students
8 must sign the sheet and return it to the coach before they can participate in
9 interscholastic athletic activities, including tryouts, practices, or competition.
10 Parents must sign the sheet and return it to the coach before their children can
11 participate in any such interscholastic athletic activities. The signed sheets shall
12 be maintained in accordance with subdivision (3) of this section.

13 (2) If a student participating in an interscholastic athletic activity exhibits signs or
14 symptoms consistent with concussion, the student shall be removed from the
15 activity at that time and shall not be allowed to return to play or practice that
16 day. The student shall not return to play or practice on a subsequent day until
17 the student is evaluated by and receives written clearance for such participation
18 from (i) the student's parent or legal guardian, (ii) a physician licensed under
19 Article 1 of Chapter 90 of the General Statutes with training in concussion
20 management, (iii) a neuropsychologist licensed under Article 18A of Chapter
21 90 of the General Statutes with training in concussion management and
22 working in consultation with a physician licensed under Article 1 of Chapter 90
23 of the General Statutes, (iv) an athletic trainer licensed under Article 34 of
24 Chapter 90 of the General Statutes, (v) a physician assistant, consistent with the
25 limitations of G.S. 90-18.1, or (vi) a nurse practitioner, consistent with the
26 limitations of G.S. 90-18.2.

27 (3) Each school shall maintain complete and accurate records of its compliance
28 with the requirements of this section pertaining to head injuries.

29 **"§ 115C-407.44. Requirements for student participation in athletic activities; informational**
30 **sessions.**

31 (a) Each school year, prior to participation by a student in an athletic activity, the student's
32 parent or guardian shall sign and return to the student's school an acknowledgment of receipt and
33 review of (i) a sudden cardiac arrest awareness information sheet developed in accordance with
34 G.S. 115C-407.41, (ii) a heat-related illness awareness information sheet developed in accordance
35 with G.S. 115C-407.42, and (iii) a concussion awareness information sheet developed in
36 accordance with G.S. 115C-407.43.

37 (b) Each school year, prior to participation by a student in an athletic activity, the student
38 shall complete a pre-participation athletic activity form that includes questions related to cardiac
39 health history developed in accordance with materials provided by the State Board of Education
40 under G.S. 115C-407.41.

41 (c) A school may hold an informational meeting prior to the start of each athletic season
42 for all ages of competitors regarding student safety in athletics, including sudden cardiac arrest
43 awareness, heat-related illness awareness, and concussion awareness. A school is encouraged to
44 have physicians, pediatric cardiologists, and athletic trainers attend the meeting to provide
45 information to students, parents, coaches, and other school employees.

46 **"§ 115C-407.45. Venue-specific emergency action plans.**

47 A local board of education shall require each middle school and high school to develop a
48 venue-specific emergency action plan to deal with serious injuries and acute medical conditions in
49 which the condition of an individual may deteriorate rapidly. The plan shall include a delineation
50 of roles, methods of communication, available emergency equipment, and access to and plan for
51 emergency transport. This plan must be (i) in writing, (ii) reviewed by an athletic trainer licensed

1 in North Carolina, (iii) approved by the principal of the school, (iv) distributed to all appropriate
2 personnel, (v) posted conspicuously at all venues, and (vi) reviewed and rehearsed annually by all
3 licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers
4 for interscholastic athletic activities.

5 **"§ 115C-407.46. Reporting of catastrophic illnesses and injuries and concussions.**

6 (a) The State Board of Education shall create a database maintained by the Department of
7 Public Instruction for high school and middle school personnel to report catastrophic illnesses and
8 injuries and concussions occurring during athletic activities involving student athletes. The State
9 Board shall assign a school code for each high school and middle school for the purposes of
10 reporting information to be included in the database. The State Board shall require at least the
11 following information be included in a report by high school and middle school personnel:

- 12 (1) The school code for the high school or middle school.
- 13 (2) Age group of the student athlete.
- 14 (3) Gender.
- 15 (4) Sport that the student athlete was playing when becoming ill or injured.
- 16 (5) Type of athletic event.
- 17 (6) The date of illness or injury.
- 18 (7) The date of return to play, if applicable.
- 19 (8) The category of illness or injury.
- 20 (9) Whether the illness or injury resulted in a fatality.

21 (b) Each month in which student athletes are participating in an athletic activity at a high
22 school or middle school, the athletic director or designee, or the principal or designee if there is no
23 assigned athletic director, of that high school or middle school shall report to the Department of
24 Public Instruction on whether a catastrophic illness or injury or a concussion has occurred
25 involving a student athlete as set forth in subsection (a) of this section.

26 (c) The Department of Public Instruction shall only provide access to the information
27 contained in the database created and maintained under this section to local boards of education,
28 the North Carolina High School Athletic Association, and the National Center for Catastrophic
29 Sport Injury Research and the Matthew A. Gfeller Sport-Related Traumatic Brain Injury Research
30 Center housed at the University of North Carolina at Chapel Hill. The information contained in the
31 database shall not contain personally identifiable student data as defined in G.S. 115C-402.5 and
32 shall not be considered a public record under G.S. 132-1.

33 **"§ 115C-407.47. Civil liability.**

34 A local board of education, its members, employees, designees, agents, or volunteers, the
35 members of the State Board of Education, and the Department of Public Instruction or its
36 employees shall not be liable in civil damages to any party for any act authorized by this Article or
37 for any omission relating to that act unless that act or omission amounts to gross negligence,
38 wanton conduct, or intentional wrongdoing."

39 **SECTION 2.** G.S. 115C-12(23) reads as rewritten:

40 "(23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. –
41 The State Board of Education shall adopt rules governing interscholastic
42 athletic activities conducted by local boards of education, including (i)
43 eligibility for student participation. ~~With regard to middle schools and high~~
44 ~~schools, the rules shall provide for the following:~~ participation and (ii) student
45 safety in accordance with Article 29E of this Chapter.

- 46 a. ~~All coaches, school nurses, athletic directors, first responders,~~
47 ~~volunteers, students who participate in interscholastic athletic activities,~~
48 ~~and the parents of those students shall receive, on an annual basis, a~~
49 ~~concussion and head injury information sheet. School employees, first~~
50 ~~responders, volunteers, and students must sign the sheet and return it to~~
51 ~~the coach before they can participate in interscholastic athletic activities,~~

1 including tryouts, practices, or competition. Parents must sign the sheet
2 and return it to the coach before their children can participate in any
3 such interscholastic athletic activities. The signed sheets shall be
4 maintained in accordance with sub-subdivision d. of this subdivision.

5 For the purpose of this subdivision, a concussion is a traumatic brain
6 injury caused by a direct or indirect impact to the head that results in
7 disruption of normal brain function, which may or may not result in loss
8 of consciousness.

9 b. ~~If a student participating in an interscholastic athletic activity exhibits
10 signs or symptoms consistent with concussion, the student shall be
11 removed from the activity at that time and shall not be allowed to return
12 to play or practice that day. The student shall not return to play or
13 practice on a subsequent day until the student is evaluated by and
14 receives written clearance for such participation from (i) a physician
15 licensed under Article 1 of Chapter 90 of the General Statutes with
16 training in concussion management, (ii) a neuropsychologist licensed
17 under Article 18A of Chapter 90 of the General Statutes with training in
18 concussion management and working in consultation with a physician
19 licensed under Article 1 of Chapter 90 of the General Statutes, (iii) an
20 athletic trainer licensed under Article 34 of Chapter 90 of the General
21 Statutes, (iv) a physician assistant, consistent with the limitations of
22 G.S. 90-18.1, or (v) a nurse practitioner, consistent with the limitations
23 of G.S. 90-18.2.~~

24 e. ~~Each school shall develop a venue specific emergency action plan to
25 deal with serious injuries and acute medical conditions in which the
26 condition of the patient may deteriorate rapidly. The plan shall include a
27 delineation of roles, methods of communication, available emergency
28 equipment, and access to and plan for emergency transport. This plan
29 must be (i) in writing, (ii) reviewed by an athletic trainer licensed in
30 North Carolina, (iii) approved by the principal of the school, (iv)
31 distributed to all appropriate personnel, (v) posted conspicuously at all
32 venues, and (vi) reviewed and rehearsed annually by all licensed athletic
33 trainers, first responders, coaches, school nurses, athletic directors, and
34 volunteers for interscholastic athletic activities.~~

35 d. ~~Each school shall maintain complete and accurate records of its
36 compliance with the requirements of this subdivision pertaining to head
37 injuries.~~

38 The State Board of Education may authorize a designated organization to
39 apply and enforce the Board's rules governing participation in interscholastic
40 athletic activities at the high school level."

41 **SECTION 3.** This act is effective when it becomes law and applies beginning with the
42 2017-2018 school year. The reporting requirements of G.S. 115C-407.46, as enacted by this act,
43 apply to injuries and illnesses that occur on or after January 1, 2018.