

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 116
PROPOSED COMMITTEE SUBSTITUTE H116-PCS40268-TA-5

Short Title: Student Safety in Athletics.

(Public)

Sponsors:

Referred to:

February 16, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION AND LOCAL BOARDS
3 OF EDUCATION TO EDUCATE THOSE INVOLVED IN SCHOOL ATHLETIC
4 ACTIVITIES ON SUDDEN CARDIAC ARREST AND HEAT-RELATED ILLNESSES,
5 TO DIRECT THE STATE BOARD TO ESTABLISH A DATABASE ON THE
6 OCCURRENCE OF INJURY AND ILLNESS OF STUDENT ATHLETES
7 PARTICIPATING IN ATHLETIC ACTIVITIES, AND TO RECODIFY THE
8 STATUTORY PROVISIONS ON CONCUSSION SAFETY AND VENUE SPECIFIC
9 EMERGENCY ACTION PLANS.

10 The General Assembly of North Carolina enacts:

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

13 "Article 29E.

14 "Student Safety in Athletics.

15 "**§ 115C-407.40. Definitions.**

16 The following definitions apply in this Article:

- 17 (1) Athletic activity. – An activity offered to students enrolled in a high school
18 or middle school covering grades six or higher under any of the following
19 circumstances:
20 a. Interscholastic athletics.
21 b. An athletic contest or competition, other than interscholastic
22 athletics, that is sponsored by a school, including cheerleading, or
23 any other sports activities provided by a club or school-affiliated
24 organization that is school-sponsored.
25 c. Practices, interschool practices, and scrimmages for all of the
26 activities listed under this subdivision.
27 (2) Catastrophic illness or injury. – An illness or injury occurring during athletic
28 activity that results in a fatality, permanent disability, or serious injury,
29 including a fractured neck, severe traumatic brain injury such as a subdural
30 hematoma, temporary or transient paralysis, heat stroke related to exercise,
31 sickle-cell trait associated collapse, sudden cardiac arrest, or commotio
32 cordis.
33 (3) Concussion. – A traumatic brain injury caused by a direct or indirect impact
34 to the head that results in disruption of normal brain function, which may or
35 may not result in loss of consciousness.



* H 1 1 6 - P C S 4 0 2 6 8 - T A - 5 *

- 1 (4) Heat exhaustion. – A heat-related illness resulting in the depletion of body
2 fluids and causing weakness, dizziness, nausea, and possible collapse.
3 (5) Heat stroke. – A heat-related illness in which the person's core body
4 temperature is greater than 105 degrees Fahrenheit, with complications
5 involving the central nervous system that occur after exposure to high
6 temperatures.
7 (6) Sudden cardiac arrest. – The sudden, unexpected loss of heart function,
8 breathing, and consciousness.

9 **"§ 115C-407.41. Sudden cardiac arrest education.**

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

19 (b) All students who participate in athletic activities and the parents of those students
20 shall receive, on an annual basis, a sudden cardiac arrest information sheet that includes
21 information developed pursuant to subsection (a) of this section. Parents must sign the sheet
22 and return it to the coach before their children can participate in any such athletic activities.
23 Each school shall maintain complete and accurate records of its compliance with the
24 requirements of this subsection pertaining to the provision of educational materials on sudden
25 cardiac arrest.

26 (c) Each local school administrative unit shall require the head coach or the athletic
27 director for each athletic activity to complete and maintain CPR certification offered by a
28 provider approved by the State Board of Education under subsection (a) of this section. The
29 CPR-certified head coach or athletic director shall be present during each athletic activity.

30 (d) Other sponsors of youth athletic activities are encouraged to adopt guidelines to
31 address sudden cardiac arrest for students participating in athletics that are consistent with this
32 section.

33 **"§ 115C-407.42. Heat exhaustion and heat stroke education; removal from athletic**
34 participation.

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

44 (b) All students who participate in athletic activities and the parents of those students
45 shall receive, on an annual basis, a heat exhaustion and heat stroke information sheet that
46 includes information developed pursuant to subsection (a) of this section. Parents must sign the
47 sheet and return it to the coach before their children can participate in any such athletic
48 activities. Each school shall maintain complete and accurate records of its compliance with the
49 requirements of this subsection pertaining to the provision of educational materials on heat
50 exhaustion and heat stroke information.

1 (c) Each local board of education shall adopt a mandatory heat stroke prevention
2 protocol for students participating in athletic activities consistent with the guidelines and
3 educational materials adopted in accordance with subsection (a) of this section. A student who
4 exhibits symptoms of heat exhaustion or heat stroke, as determined by a game official, coach
5 from the student's team, licensed athletic trainer, licensed healthcare professional, or other
6 official designated by the school under the venue-specific emergency action plan under
7 G.S. 115C-407.45, at any time prior to, during, or following an athletic activity, shall be
8 removed from participation in an athletic activity. The venue-specific emergency action plan
9 shall provide for circumstances in which specific cooling methods must be made available
10 during an athletic activity, including weather conditions requiring access to an immersion pool.
11 A student removed or prevented from participating in an athletic activity in accordance with
12 this subsection shall not return to participation until the student is evaluated and cleared for
13 return to participation in writing from a licensed healthcare professional or other official
14 designated by the school under the venue-specific emergency action plan.

15 (d) Other sponsors of youth athletic activities are encouraged to adopt guidelines to
16 address heat-related illness for students participating in athletics that are consistent with this
17 section.

18 **"§ 115C-407.43. Concussion safety.**

19 The State Board of Education shall adopt rules governing athletic activities with regard to
20 concussion safety for students who participate in athletic activity that provide for the following:

21 (1) All coaches, school nurses, athletic directors, first responders, volunteers,
22 students who participate in interscholastic athletic activities, and the parents
23 of those students shall receive, on an annual basis, a concussion and head
24 injury information sheet. School employees, first responders, volunteers, and
25 students must sign the sheet and return it to the coach before they can
26 participate in athletic activities, including tryouts, practices, or competition.
27 Parents must sign the sheet and return it to the coach before their children
28 can participate in any such athletic activities. The signed sheets shall be
29 maintained in accordance with subdivision (3) of this section.

30 (2) If a student participating in an athletic activity exhibits signs or symptoms
31 consistent with concussion, the student shall be removed from the activity at
32 that time and shall not be allowed to return to play or practice that day. The
33 student shall not return to play or practice on a subsequent day until the
34 student is evaluated by and receives written clearance for such participation
35 from one of the following: (i) a physician licensed under Article 1 of
36 Chapter 90 of the General Statutes with training in concussion management,
37 (ii) a neuropsychologist licensed under Article 18A of Chapter 90 of the
38 General Statutes with training in concussion management and working in
39 consultation with a physician licensed under Article 1 of Chapter 90 of the
40 General Statutes, (iii) an athletic trainer licensed under Article 34 of Chapter
41 90 of the General Statutes, (iv) a physician assistant, consistent with the
42 limitations of G.S. 90-18.1, or (v) a nurse practitioner, consistent with the
43 limitations of G.S. 90-18.2.

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

46 **"§ 115C-407.44. Requirements for student participation in athletic activities;**
47 **informational sessions.**

48 (a) Each school year, prior to participation by a student in an athletic activity, the
49 student's parent or guardian shall sign and return to the student's school an acknowledgment of
50 receipt and review of (i) a sudden cardiac arrest awareness information sheet developed in
51 accordance with G.S. 115C-407.41, (ii) a heat-related illness awareness information sheet

1 developed in accordance with G.S. 115C-407.42, and (iii) a concussion awareness information
2 sheet developed in accordance with G.S. 115C-407.43.

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

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

12 **"§ 115C-407.45. Venue-specific emergency action plans.**

13 A local board of education shall require each middle school and high school to develop a
14 venue-specific emergency action plan to deal with catastrophic illnesses or injuries and acute
15 medical conditions in which the condition of an individual may deteriorate rapidly. The plan
16 shall include a delineation of roles, methods of communication, available emergency
17 equipment, including, but not limited to, automatic external defibrillators (AEDs), and access to
18 and a plan for emergency transport. The venue-specific emergency action plan shall be (i) in
19 writing, (ii) reviewed by an athletic trainer licensed in North Carolina, (iii) approved by the
20 principal of the school, (iv) distributed to all appropriate personnel, (v) posted conspicuously at
21 all venues, and (vi) reviewed and rehearsed annually by all licensed athletic trainers, first
22 responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic
23 activities.

24 **"§ 115C-407.46. Reporting of catastrophic illnesses and injuries and concussions.**

25 (a) The State Board of Education shall create a database maintained by the Department
26 of Public Instruction for high school and middle school personnel to report catastrophic
27 illnesses and injuries and concussions that occur during athletic activities involving student
28 athletes. The State Board shall assign a school code for each high school and middle school for
29 the purposes of reporting information to be included in the database. At a minimum, the State
30 Board shall require that the following information is included in a report by high school and
31 middle school personnel:

32 (1) The school code for the high school or middle school.

33 (2) Age group of the student athlete.

34 (3) Gender.

35 (4) Sport that the student athlete was playing when the student became ill or
36 injured.

37 (5) Type of athletic event.

38 (6) The date of illness or injury.

39 (7) The date of return to play, if applicable.

40 (8) The category of illness or injury.

41 (9) Whether the illness or injury resulted in a fatality.

42 (b) During each month in which student athletes participate in an athletic activity at a
43 high school or middle school, the athletic director or designee, or the principal or designee if
44 there is no assigned athletic director, of that high school or middle school shall report to the
45 Department of Public Instruction on whether a catastrophic illness or injury or a concussion has
46 occurred involving a student athlete as set forth in subsection (a) of this section.

47 (c) The Department of Public Instruction shall only provide access to the information
48 contained in the database created and maintained pursuant to this section to local boards of
49 education, the North Carolina High School Athletic Association, the National Center for
50 Catastrophic Sport Injury Research, and the Matthew A. Gfeller Sport-Related Traumatic Brain
51 Injury Research Center housed at the University of North Carolina at Chapel Hill. The

1 information contained in the database shall not contain personally identifiable student data as
2 defined in G.S. 115C-402.5 and shall not be considered a public record under G.S. 132-1.

3 **"§ 115C-407.47. Civil liability.**

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

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

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

16 a. ~~All coaches, school nurses, athletic directors, first responders,~~
17 ~~volunteers, students who participate in interscholastic athletic~~
18 ~~activities, and the parents of those students shall receive, on an~~
19 ~~annual basis, a concussion and head injury information sheet. School~~
20 ~~employees, first responders, volunteers, and students must sign the~~
21 ~~sheet and return it to the coach before they can participate in~~
22 ~~interscholastic athletic activities, including tryouts, practices, or~~
23 ~~competition. Parents must sign the sheet and return it to the coach~~
24 ~~before their children can participate in any such interscholastic~~
25 ~~athletic activities. The signed sheets shall be maintained in~~
26 ~~accordance with sub-subdivision d. of this subdivision.~~

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

31 b. ~~If a student participating in an interscholastic athletic activity~~
32 ~~exhibits signs or symptoms consistent with concussion, the student~~
33 ~~shall be removed from the activity at that time and shall not be~~
34 ~~allowed to return to play or practice that day. The student shall not~~
35 ~~return to play or practice on a subsequent day until the student is~~
36 ~~evaluated by and receives written clearance for such participation~~
37 ~~from (i) a physician licensed under Article 1 of Chapter 90 of the~~
38 ~~General Statutes with training in concussion management, (ii) a~~
39 ~~neuropsychologist licensed under Article 18A of Chapter 90 of the~~
40 ~~General Statutes with training in concussion management and~~
41 ~~working in consultation with a physician licensed under Article 1 of~~
42 ~~Chapter 90 of the General Statutes, (iii) an athletic trainer licensed~~
43 ~~under Article 34 of Chapter 90 of the General Statutes, (iv) a~~
44 ~~physician assistant, consistent with the limitations of G.S. 90-18.1, or~~
45 ~~(v) a nurse practitioner, consistent with the limitations of~~
46 ~~G.S. 90-18.2.~~

47 e. ~~Each school shall develop a venue specific emergency action plan to~~
48 ~~deal with serious injuries and acute medical conditions in which the~~
49 ~~condition of the patient may deteriorate rapidly. The plan shall~~
50 ~~include a delineation of roles, methods of communication, available~~
51 ~~emergency equipment, and access to and plan for emergency~~

1 transport. This plan must be (i) in writing, (ii) reviewed by an athletic
2 trainer licensed in North Carolina, (iii) approved by the principal of
3 the school, (iv) distributed to all appropriate personnel, (v) posted
4 conspicuously at all venues, and (vi) reviewed and rehearsed
5 annually by all licensed athletic trainers, first responders, coaches,
6 school nurses, athletic directors, and volunteers for interscholastic
7 athletic activities.

8 d. Each school shall maintain complete and accurate records of its
9 compliance with the requirements of this subdivision pertaining to
10 head injuries.

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

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