



GOV. MSG. NO. 1300

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 03, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 03, 2012, the following bill was signed into law:

HB2273 SD1

RELATING TO CONCUSSIONS.  
**Act 197 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

on JUL 3 2012

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ORIGINAL

ACT 197

H.B. NO. 2273  
S.D. 1

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# A BILL FOR AN ACT

RELATING TO CONCUSSIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that concussions or mild  
2 traumatic brain injuries sustained by children and adolescents  
3 frequently occur in a variety of sports and recreational  
4 activities, including football, soccer, bicycling, and  
5 skateboarding. In October 2011, the Centers for Disease Control  
6 and Prevention reported that the number of traumatic brain  
7 injury-related emergency department visits in this country by  
8 persons nineteen years old or younger that were related to  
9 sports and recreational activities increased from 153,375 in  
10 2001 to 248,418 in 2009. In this State, the department of  
11 education's athletic health care trainers program also noted an  
12 increase in the number of reported concussions, from two hundred  
13 thirteen in the 2007-2008 school year to four hundred forty-six  
14 in the 2010-2011 school year.

15           The marked increase in national and state concussion  
16 statistics may be attributed, at least in part, to an increased  
17 awareness of the dangers of concussions by the people involved  
18 in sports activities. The department of education began its



1 concussion management program in 2011 to educate coaches,  
2 parents, and athletic trainers, and provide care for students.  
3 The legislature finds, however, that a statewide concussion  
4 educational program is necessary to ensure that public and  
5 private high school students, school personnel, and parents are  
6 provided with consistent and up-to-date information on  
7 concussions and management of symptoms and injuries relating to  
8 a concussion.

9       The purpose of this Act is to require the department of  
10 education and the Hawaii High School Athletic Association to  
11 develop a concussion educational program for students and  
12 student athletes who are fourteen to eighteen years old. The  
13 program shall include:

- 14       (1) Education of students, student athletes, parents,  
15       sports officials, school faculty and staff, and school  
16       administrators of the signs and symptoms of a  
17       concussion and what to do if someone demonstrates any  
18       of these signs or symptoms;
- 19       (2) An annual educational session for coaches and athletic  
20       trainers about the signs and symptoms of a concussion;
- 21       (3) The need for the mandatory removal of a student from  
22       the athletic activity that the student is



1 participating in if the student demonstrates any signs  
2 or symptoms of a concussion; and

3 (4) The need for a concussed student's physician to  
4 evaluate the student and determine whether the student  
5 is able to return to a particular athletic activity.

6 SECTION 2. As used in this Act, the following definitions  
7 apply:

8 "Coach" means a paid or volunteer coach.

9 "Concussion" means a pathophysiological process affecting  
10 the brain, caused by traumatic biomechanical forces.

11 "Licensed health care provider" means an advanced practice  
12 registered nurse, certified or registered athletic trainer,  
13 neuropsychologist, physician assistant, physician, or  
14 osteopathic physician trained in the management of sports  
15 concussions.

16 SECTION 3. The department of education and the Hawaii High  
17 School Athletic Association shall develop a concussion  
18 educational program that shall include:

19 (1) Educating students, parents, sports officials, school  
20 faculty, coaches, staff, and school administrators  
21 about the signs and symptoms of a concussion and the



1 procedures to follow if a person displays any of the  
2 signs or symptoms of a concussion;

3 (2) Annual educational sessions about the signs and  
4 symptoms of a concussion for coaches and athletic  
5 trainers;

6 (3) The need for the mandatory removal of a student from  
7 the athletic activity that the student is  
8 participating in, if the student demonstrates any  
9 signs and symptoms of a concussion;

10 (4) The need for a concussed student's licensed health  
11 care provider to evaluate the student and determine  
12 whether the student is able to return to a particular  
13 athletic activity; and

14 (5) The monitoring of a student's return to physical  
15 activity by the school's certified athletic trainer,  
16 if an athletic trainer is employed by the school.  
17 This return to activity plan is to be based upon peer-  
18 review scientific evidence, such as that from the  
19 National Athletic Trainer Association or Centers for  
20 Disease Control and Prevention.

21 SECTION 4. Educational guidelines for development of a  
22 high school concussion awareness program. There shall be an



1 educational program developed for every public and private  
2 school that is a member of the Hawaii High School Athletic  
3 Association on how to develop a school's concussion awareness  
4 plan. Every program shall require:

5 (1) Annual concussion awareness training for coaches,  
6 administrators, faculty, staff, and sports officials,  
7 including:

8 (A) The signs and symptoms of a concussion;

9 (B) The need to obtain proper medical attention for a  
10 person suspected of having a concussion; and

11 (C) Information on the nature and risk of  
12 concussions, including the danger of continuing  
13 to play after sustaining a concussion and the  
14 proper method of allowing a student who has  
15 sustained a concussion to return to activity;

16 (2) Annual concussion awareness education for parents and  
17 students who participate in a school's athletic team  
18 or programs or both. The parents and students shall  
19 sign a concussion information sheet that they have  
20 attended and received this concussion awareness  
21 education;



- 1           (3) Immediate removal from a game, practice, or other  
2           activity of any student who exhibits signs, symptoms,  
3           or behaviors consistent with a concussion, such as  
4           loss of consciousness, headache, dizziness, confusion,  
5           or balance problems. The student shall not return to  
6           the activity until cleared to do so by a licensed  
7           health care provider; and
- 8           (4) The student to obtain written clearance from a  
9           licensed health care provider prior to returning to  
10          academics and athletics, which:
- 11          (A) States that the student is capable of resuming  
12          participation in a particular sport;
- 13          (B) May require the student to follow a plan designed  
14          to aid the student to recover and resume  
15          participation in school and athletic activities  
16          that:
- 17               (i) Includes, as appropriate, periods of  
18               cognitive and physical rest while symptoms  
19               of a concussion persist; and
- 20               (ii) Reintroduces cognitive and physical demands  
21               on the student on a progressive basis to



1 prevent the reemergence or worsening of  
2 symptoms of a concussion; and

3 (C) Requires that the student's return to physical  
4 activity be monitored by the school's certified  
5 athletic trainer, if an athletic trainer is  
6 employed by the school.

7 SECTION 5. The department of education shall submit a  
8 report to the legislature no later than twenty days prior to the  
9 convening of the regular session of 2013 on the development and  
10 implementation of the concussion educational program.

11 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 3 day of JUL, 2012



GOVERNOR OF THE STATE OF HAWAII

