



GOV. MSG. NO. 1371

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 12, 2016, the following bill was signed into law:

SB2557 SD2 HD1 CD1

RELATING TO CONCUSSIONS
ACT 262 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 across the country,
2 legal action is being pursued over the issue of concussion
3 management in interscholastic sports and youth sports leagues.
4 Class action lawsuits are highlighting the need for related
5 baseline testing; student, coach, and parent education; and
6 concussion injury data monitoring. To address some of these
7 concerns, Act 197, Session Laws of Hawaii 2012, required the
8 department of education and the Hawaii High School Athletic
9 Association to develop a concussion educational program for high
10 school students aged fourteen to eighteen. The intent of Act
11 197 was to provide a statewide concussion educational program to
12 ensure that public and private high school students, school
13 personnel, and parents are provided with consistent and up-to-
14 date information on the management of symptoms and injuries
15 related to a concussion.

16 The purpose of this Act is to expand the scope of the
17 concussion educational program under Act 197 to include youth
18 and incorporate additional program requirements.



1 This Act also makes appropriations to develop and implement
2 the concussion monitoring and educational program and to
3 administer concussion testing to high school student athletes.

4 SECTION 2. Act 197, Session Laws of Hawaii 2012, is
5 amended as follows:

6 1. By amending section 2 to read:

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

9 "Coach" means a paid or volunteer [~~each~~] individual
10 working for, assisting, or managing a sports team for school
11 athletics or a youth athletic activity.

12 "Concussion" means a pathophysiological process affecting
13 the brain, caused by direct or indirect traumatic biomechanical
14 forces.

15 "Licensed health care provider" means an advanced practice
16 registered nurse, certified or registered athletic trainer,
17 neuropsychologist, physician assistant, physician, [~~or~~]
18 osteopathic physician, or physical therapist trained in the
19 management of sports concussions.

20 "School athletics" means athletic events sponsored by any
21 public or private school from grade nine to grade twelve.



1 "Youth athletic activity" means an organized athletic
 2 activity where the majority of the participants are eleven years
 3 of age or older and under nineteen years of age, and are
 4 engaging in an organized athletic game or competition against
 5 another team, club, or other entity or in practice or
 6 preparation for an organized game or competition against another
 7 team, club, or other entity. The term does not include:

- 8 (1) A college or university activity;
- 9 (2) An activity that is entered into for instructional
 10 purposes only; or
- 11 (3) An athletic activity that is incidental to a non-
 12 athletic program or a lesson."

13 2. By amending section 4 to read:

14 ~~"SECTION 4. [Educational guidelines for development of a~~
 15 ~~high school concussion awareness program. There shall be an~~
 16 ~~educational program developed for every public and private~~
 17 ~~school that is a member of the Hawaii High School Athletic~~
 18 ~~Association on how to develop a school's concussion awareness~~
 19 ~~plan. Every program shall require.]~~ The department of
 20 kinesiology and rehabilitation science of the University of
 21 Hawaii, the department of education, and the Hawaii High School



1 Athletic Association shall jointly develop a concussion
2 monitoring and educational program for school athletics that
3 requires:

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

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

8 (B) The need to obtain [~~proper~~]:

9 (i) Proper medical attention for a person
10 suspected of having a concussion; and

11 (ii) Medical clearance from licensed health care
12 providers trained in concussion management,
13 before a person may engage in any type of
14 physical activity, practice, game, or
15 competition;

16 (C) Information on the nature and risk of
17 concussions, including the danger of continuing
18 to play after sustaining a concussion and the
19 proper method of allowing a [~~student~~] person who
20 has sustained a concussion to return to activity;
21 and



1 (D) Information on the process of a concussed
2 person's return to school, academic and cognitive
3 issues associated with a concussion, and
4 classroom adjustments that the person may
5 require;

6 (2) Annual concussion awareness education for [~~parents and~~
7 ~~students who participate in a school's athletic team~~
8 ~~or programs or both.~~] participants in school athletics
9 or youth athletic activities, including the parents of
10 minor or student participants. The [~~parents and~~
11 ~~students~~] individuals required to receive education
12 pursuant to this paragraph shall sign a concussion
13 information sheet that they have attended [~~and~~],
14 received, and viewed this concussion awareness
15 education;

16 (3) Immediate removal from a game, practice, or other
17 activity of any [~~student~~] participant who is suspected
18 of having a concussion or exhibits signs, symptoms, or
19 behaviors consistent with a concussion, such as loss
20 of consciousness, headache, dizziness, confusion, or
21 balance problems. The [~~student~~] concussed participant



1 shall not return to the activity until cleared to do
2 so by a licensed health care provider [~~and~~] trained
3 in concussion management;

4 (4) [The] A concussed student to obtain written clearance
5 from [~~a licensed health care provider~~] an advanced
6 practice nurse, neuropsychologist, physician
7 assistant, physician, or osteopathic physician trained
8 in concussion management prior to returning to
9 academics and athletics, which:

10 (A) States that the student is capable of resuming
11 participation in a particular sport;

12 (B) May require the student to follow a plan designed
13 to aid the student to recover and resume
14 participation in school and athletic activities
15 that:

16 (i) Includes, as appropriate, periods of
17 cognitive and physical rest while symptoms
18 of a concussion persist; and

19 (ii) Reintroduces cognitive and physical demands
20 on the student on a progressive basis to



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prevent the reemergence or worsening of
symptoms of a concussion; and
(C) Requires that the student's return to physical
activity be monitored by the school's [~~certified~~]
State of Hawaii registered athletic trainer, if
an athletic trainer is employed by the school [-] ;

(5) Cognitive testing of school athletics participants as
determined by the department of kinesiology and
rehabilitation science of the University of Hawaii,
department of education, and Hawaii High School
Athletic Association;

(6) Continuous data collection and monitoring of
concussions in school athletics, including
neuropsychologist review of computerized
neuropsychological tests;

(7) The use of information and guidance from the Hawaii
Concussion Awareness and Management Program; and

(8) Organizations traveling from without the State to
compete in school athletics and youth athletic
activities in the State to comply with this section;



1 provided that this section shall not apply to college and
2 professional teams."

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$450,000 or so much
5 thereof as may be necessary for fiscal year 2016-2017 to:

6 (1) Develop and implement the concussion monitoring and
7 educational program for school athletics, as required
8 by this Act;

9 (2) Develop and implement a concussion and awareness
10 program for youth athletics; and

11 (3) Administer concussion testing to high school student
12 athletes, beginning on August 1, 2016.

13 The sum appropriated shall be expended by the department of
14 kinesiology and rehabilitation science of the University of
15 Hawaii for the purposes of this Act.

16 SECTION 4. The department of kinesiology and
17 rehabilitation science of the University of Hawaii shall submit
18 a report to the legislature no later than twenty days prior to
19 the convening of the regular session of 2017 regarding the
20 progress in implementing this Act.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 6. This Act shall take effect on July 1, 2016.

APPROVED this 12 day of JUL , 2016



GOVERNOR OF THE STATE OF HAWAII