

HOUSE FILE \_\_\_\_\_  
BY JONES

**A BILL FOR**

1 An Act providing for brain injury policies for certain  
2 extracurricular interscholastic activities, and including  
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 280.13C, Code 2018, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 **280.13C Concussion and brain injury policies.**

5 1. *Legislative findings.* The general assembly finds and  
6 declares all of the following:

7 a. Concussions are one of the most commonly reported  
8 injuries in children and adolescents who participate in sports  
9 and recreational activities. A concussion is caused by a blow  
10 or motion to the head or body that causes the brain to move  
11 rapidly inside the skull. The risk of catastrophic injuries or  
12 death is significant when a concussion or head injury is not  
13 properly evaluated and managed.

14 b. Concussions are a type of brain injury that can range  
15 from mild to severe and can disrupt the way the brain normally  
16 works. Concussions can occur in any organized or unorganized  
17 sport or recreational activity and can result from a fall or  
18 from players colliding with each other, the ground, or with  
19 obstacles. Concussions can occur with or without loss of  
20 consciousness, but the vast majority of concussions occur  
21 without loss of consciousness.

22 c. Continuing to play with a concussion or symptoms of a  
23 head injury leaves a young athlete especially vulnerable to  
24 greater injury and even death. The general assembly recognizes  
25 that, despite having generally recognized return-to-play  
26 standards for concussions and head injuries, some affected  
27 youth athletes are prematurely returned to play, resulting in  
28 actual or potential physical injury or death to youth athletes  
29 in this state.

30 d. A student athlete who has sustained a concussion may  
31 need informal or formal accommodations, modifications of  
32 curriculum, and monitoring by medical or educational staff  
33 until the student is fully recovered. To that end, the  
34 department of public health, in coordination with the Iowa high  
35 school athletic association and the Iowa girls high school

1 athletic union, shall establish and disseminate to all schools  
2 in this state a return-to-school protocol that is based on  
3 peer-reviewed scientific evidence consistent with federal  
4 guidelines. Furthermore, all schools in this state shall adopt  
5 such protocols.

6 2. *Definitions.* For the purposes of this section:

7 a. "Contest" means an interscholastic athletic game.

8 b. "Contest official" means a referee, umpire, judge, or  
9 other official in an athletic contest.

10 c. "Extracurricular interscholastic activity" means any  
11 extracurricular interscholastic activity, contest, or practice,  
12 including sports, dance, or cheerleading.

13 d. "Licensed health care provider" means a physician,  
14 physician assistant, chiropractor, advanced registered nurse  
15 practitioner, nurse, physical therapist, or athletic trainer  
16 licensed by a board designated under section 147.13.

17 3. *Training.*

18 a. The department of public health, Iowa high school  
19 athletic association, and the Iowa girls high school athletic  
20 union shall work together to develop training materials and  
21 courses regarding concussions and brain injuries, including  
22 training regarding evaluation, prevention, symptoms, risks,  
23 and long-term effects of concussions and brain injuries. Each  
24 coach or contest official shall complete such training at least  
25 every two years.

26 b. Individuals required to complete training pursuant to  
27 this subsection shall submit proof of such completion to the  
28 board of directors of the school district or the authorities in  
29 charge of the accredited nonpublic school within thirty days  
30 of such completion.

31 4. *Guidelines and information sheet.*

32 a. The department of public health, Iowa high school  
33 athletic association, and the Iowa girls high school athletic  
34 union shall work together to distribute the centers for  
35 disease control and prevention guidelines and other pertinent

1 information to inform and educate coaches, students, and  
2 the parents and guardians of students of the risks, signs,  
3 symptoms, and behaviors consistent with a concussion or brain  
4 injury, including the danger of continuing to participate in  
5 extracurricular interscholastic activities after suffering a  
6 concussion or brain injury and their responsibility to report  
7 such signs, symptoms, and behaviors if they occur.

8     *b.* Annually, each school district and nonpublic school shall  
9 provide to the parent or guardian of each student a concussion  
10 and brain injury information sheet, as provided by the Iowa  
11 high school athletic association and the Iowa girls high  
12 school athletic union. The student and the student's parent  
13 or guardian shall sign and return a copy of the concussion  
14 and brain injury information sheet to the student's school  
15 prior to the student's participation in any extracurricular  
16 interscholastic activity.

17     5. *Removal from participation.* If a student's coach,  
18 contest official, or licensed health care provider observes  
19 signs, symptoms, or behaviors consistent with a concussion or  
20 brain injury in an extracurricular interscholastic activity,  
21 the student shall be immediately removed from participation.

22     6. *Return-to-play protocols.* The department of public  
23 health, Iowa high school athletic association, and the Iowa  
24 girls high school athletic union shall work together to  
25 develop a return-to-play protocol, based on peer-reviewed  
26 scientific evidence consistent with the guidelines of the  
27 centers for disease control and prevention of the United States  
28 department of health and human services, for a student's  
29 return to participation in an extracurricular interscholastic  
30 activity after showing signs, symptoms, or behaviors consistent  
31 with a concussion or brain injury. The board of directors  
32 of each school district and the authorities in charge of  
33 each accredited nonpublic school with enrolled students who  
34 participate in an extracurricular interscholastic activity  
35 which is a contest in grades seven through twelve shall adopt

1 such protocols.

2     7. *Protective gear.* For school budget years beginning on  
3 or after July 1, 2018, the board of directors of each school  
4 district and the authorities in charge of each accredited  
5 nonpublic school with enrolled students who participate  
6 in an extracurricular interscholastic activity which is a  
7 contest in grades seven through twelve shall provide students  
8 participating in such contests with any protective gear,  
9 including but not limited to helmets and pads required for the  
10 activity by law, by the rules for such contests, or by Iowa  
11 high school athletic association or Iowa girls high school  
12 athletic union guidelines. However, an individual student  
13 is responsible for other protective gear that the individual  
14 student needs but that is not required for participation in the  
15 contest as provided in this subsection.

16     8. *Liability.*

17     a. A school district or accredited nonpublic school that  
18 fully implements the protocols required by this section and  
19 provides a licensed health care provider at an extracurricular  
20 interscholastic activity shall not be liable for any claim for  
21 injuries or damages based upon the actions or inactions of the  
22 licensed health care provider present at the extracurricular  
23 interscholastic activity at the request of the school district  
24 or accredited nonpublic school.

25     b. A licensed health care provider providing care without  
26 compensation for a school district or accredited nonpublic  
27 school under this section shall not be liable for any claim for  
28 injuries or damages arising out of such care except for acts  
29 or omissions which involve intentional misconduct or knowing  
30 violation of the law.

31     Sec. 2. APPLICABILITY. A person required to complete  
32 training pursuant to section 280.13C, subsection 3, as enacted  
33 by this Act, has until July 1, 2019, to initially complete such  
34 training.

35     Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance

1 with section 25B.2, subsection 3, the state cost of requiring  
2 compliance with any state mandate included in this division  
3 of this Act shall be paid by a school district from state  
4 school foundation aid received by the school district under  
5 section 257.16. This specification of the payment of the state  
6 cost shall be deemed to meet all of the state funding-related  
7 requirements of section 25B.2, subsection 3, and no additional  
8 state funding shall be necessary for the full implementation of  
9 this Act by and enforcement of this Act against all affected  
10 school districts.

11

EXPLANATION

12           The inclusion of this explanation does not constitute agreement with  
13           the explanation's substance by the members of the general assembly.

14       This bill strikes current Code section 280.13C relating  
15 to concussion and brain injury policies and creates new Code  
16 section 280.13C relating to the same subject.

17       The bill requires the department of public health, the Iowa  
18 high school athletic association (IHSAA), and the Iowa girls  
19 high school athletic union (IGHSAU) to work together to develop  
20 training materials and courses regarding concussions and brain  
21 injuries. The bill requires each coach or contest official  
22 to complete such training at least every two years. The bill  
23 requires individuals required to complete training to submit  
24 proof of such completion to the school board or authorities in  
25 charge of the accredited nonpublic school within 30 days of  
26 such completion. The bill provides that a person required to  
27 complete such training has until July 1, 2019, to initially  
28 complete the training.

29       The bill requires the department of public health, the  
30 IHSAA, and the IGHSAU to work together to distribute the  
31 centers for disease control and prevention guidelines and other  
32 pertinent information to inform and educate coaches, students,  
33 and the parents and guardians of students of the risks, signs,  
34 symptoms, and behaviors consistent with a concussion or brain  
35 injury. The bill requires each school district and nonpublic

1 school to annually provide to the parent or guardian of each  
2 student a concussion and brain injury information sheet, as  
3 provided by the department of public health, the IHSAA, and the  
4 IGHSAU. The bill requires the student and the student's parent  
5 or guardian to sign and return the information sheet to the  
6 student's school prior to the student's participation in any  
7 extracurricular interscholastic activity.

8 The bill requires that a student be immediately removed from  
9 participation in an extracurricular interscholastic activity if  
10 the student's coach, contest official, or licensed health care  
11 provider observes signs, symptoms, or behaviors consistent with  
12 a concussion or brain injury.

13 The bill requires the department of public health,  
14 the IHSAA, and the IGHSAU to work together to develop a  
15 return-to-play protocol for a student's return to participation  
16 in an extracurricular interscholastic activity after showing  
17 signs, symptoms, or behaviors consistent with a concussion  
18 or brain injury. The bill requires the school board and the  
19 authorities in charge of each accredited nonpublic school  
20 with enrolled students who participate in an extracurricular  
21 interscholastic activity which is a contest in grades 7 through  
22 12 to adopt such protocols.

23 The bill requires the school board and the authorities  
24 in charge of each accredited nonpublic school with enrolled  
25 students who participate in an extracurricular interscholastic  
26 activity which is a contest in grades 7 through 12, for school  
27 budget years beginning July 1, 2018, to provide students  
28 participating in such contests with any protective gear  
29 required for the activity by law, by the rules for such  
30 contests, or by IHSAA or IGHSAU guidelines. The bill provides  
31 that an individual student is responsible for other protective  
32 gear that the individual student needs but that is not required  
33 for participation in the contest as provided in the bill.

34 The bill provides that a school district or nonpublic school  
35 that fully implements the protocols required by the bill and

1 provides a licensed health care provider at an extracurricular  
2 interscholastic activity shall not be liable for any claim for  
3 injuries or damages based upon the actions or inactions of  
4 the provider present at the extracurricular interscholastic  
5 activity at the request of the school district or nonpublic  
6 school.

7 The bill provides that a licensed health care provider  
8 providing care without compensation for a school district or  
9 accredited nonpublic school under the bill shall not be liable  
10 for any claim for injuries or damages arising out of such  
11 care except for acts or omissions which involve intentional  
12 misconduct or knowing violation of the law.

13 The bill provides legislative findings.

14 The bill may include a state mandate as defined in Code  
15 section 25B.3. The bill requires that the state cost of  
16 any state mandate included in the bill be paid by a school  
17 district from state school foundation aid received by the  
18 school district under Code section 257.16. The specification  
19 is deemed to constitute state compliance with any state mandate  
20 funding-related requirements of Code section 25B.2. The  
21 inclusion of this specification is intended to reinstate the  
22 requirement of political subdivisions to comply with any state  
23 mandates included in the bill.