**South Carolina General Assembly**

120th Session, 2013-2014

**A33, R65, H3061**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McCoy, M.S. McLeod, Stavrinakis and Sellers

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Introduced in the House on January 8, 2013

Introduced in the Senate on March 21, 2013

Last Amended on May 23, 2013

Passed by the General Assembly on May 29, 2013

Governor's Action: June 7, 2013, Signed

Summary: Student athletes

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2012 House Prefiled

 12/11/2012 House Referred to Committee on **Education and Public Works**

 1/8/2013 House Introduced and read first time ([House Journal‑page 71](file:///h%3A%5CHJ%20Archive%5C2013%5C01-08-13.docx))

 1/8/2013 House Referred to Committee on **Education and Public Works** ([House Journal‑page 71](file:///h%3A%5CHJ%20Archive%5C2013%5C01-08-13.docx))

 1/10/2013 House Member(s) request name added as sponsor: M.S.McLeod

 1/22/2013 House Member(s) request name added as sponsor: Stavrinakis

 1/23/2013 House Member(s) request name added as sponsor: Sellers

 3/11/2013 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 1](file:///h%3A%5CHJ%20Archive%5C2013%5C03-11-13.docx))

 3/12/2013 Scrivener's error corrected

 3/20/2013 House Amended ([House Journal‑page 92](file:///h%3A%5CHJ%20Archive%5C2013%5C03-20-13.docx))

 3/20/2013 House Read second time ([House Journal‑page 92](file:///h%3A%5CHJ%20Archive%5C2013%5C03-20-13.docx))

 3/20/2013 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 94](file:///h%3A%5CHJ%20Archive%5C2013%5C03-20-13.docx))

 3/21/2013 House Read third time and sent to Senate ([House Journal‑page 24](file:///h%3A%5CHJ%20Archive%5C2013%5C03-21-13.docx))

 3/21/2013 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h%3A%5CSJ%20Archive%5C2013%5C03-21-13.docx))

 3/21/2013 Senate Referred to Committee on **Education** ([Senate Journal‑page 11](file:///h%3A%5CSJ%20Archive%5C2013%5C03-21-13.docx))

 5/13/2013 Senate Committee report: Favorable with amendment **Education**

 5/23/2013 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2013%5C05-23-13.docx))

 5/23/2013 Senate Roll call Ayes‑36 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2013%5C05-23-13.docx))

 5/28/2013 Senate Read third time and returned to House with amendments ([Senate Journal‑page 12](file:///h%3A%5CSJ%20Archive%5C2013%5C05-28-13.docx))

 5/29/2013 House Concurred in Senate amendment and enrolled ([House Journal‑page 40](file:///h%3A%5CHJ%20Archive%5C2013%5C05-29-13.docx))

 5/29/2013 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 40](file:///h%3A%5CHJ%20Archive%5C2013%5C05-29-13.docx))

 6/4/2013 Ratified R 65

 6/7/2013 Signed By Governor

 6/14/2013 Effective date 06/07/13

 6/14/2013 Act No. 33

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p%3A%5Cpprever%5C2013-14%5C3061_20121211.docx)

[3/11/2013](file:///p%3A%5Cpprever%5C2013-14%5C3061_20130311.docx)

[3/12/2013](file:///p%3A%5Cpprever%5C2013-14%5C3061_20130312.docx)

[3/12/2013-A](file:///p%3A%5Cpprever%5C2013-14%5C3061_20130312A.docx)

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[5/13/2013](file:///p%3A%5Cpprever%5C2013-14%5C3061_20130513.docx)

[5/23/2013](file:///p%3A%5Cpprever%5C2013-14%5C3061_20130523.docx)

(A33, R65, H3061)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑75 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, TO POST ON ITS WEBSITE NATIONALLY RECOGNIZED GUIDELINES AND PROCEDURES CONCERNING THE MANAGEMENT OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN GUIDELINES AND PROCEDURES BASED ON THE MODEL GUIDELINES AND PROCEDURES, TO REQUIRE AN INFORMATION SHEET ON CONCUSSIONS AND BRAIN INJURY BE PROVIDED TO CERTAIN PERSONS EACH YEAR WHO PARTICIPATE IN ATHLETICS, TO REQUIRE THE REMOVAL FROM PLAY AND EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY CERTAIN TRAINED PERSONS, TO PROVIDE LIMITED LIABILITY FOR CERTAIN TRAINED PERSONS WHO EVALUATE STUDENT ATHLETES, TO PROVIDE A STUDENT ATHLETE REMOVED FROM PLAY AND EVALUATED MAY NOT RETURN TO PLAY UNTIL HE HAS RECEIVED WRITTEN MEDICAL CLEARANCE BY A PHYSICIAN, AND TO DEFINE NECESSARY TERMS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Student athlete concussions, guidelines, management**

SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

 “Section 59‑63‑75. (A) The South Carolina Department of Health and Environmental Control, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Health and Environmental Control also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League‑sanctioned events.

 (B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures referenced in subsection (A).

 (C) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian’s receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice.

 (D)(1) If a coach, athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, athletic trainer, official, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall be removed from practice or competition at that time.

 (2) A student athlete who has been removed from play may return to play if, as a result of evaluating the student athlete on site, the athletic trainer, physician, physician assistant pursuant to scope of practice guidelines, or nurse practitioner pursuant to a written protocol determines in his best professional judgment that the student athlete does not have any signs or symptoms of a concussion or brain injury.

 (3) A student athlete who has been removed from play and evaluated and who is suspected of having a concussion or brain injury may not return to play until the student athlete has received written medical clearance by a physician.

 (4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of Health and Environmental Control, in consultation with health care provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations. Such information must be posted by the department upon receipt from a participating health care organization.

 (5) The athletic trainer, physician, physician assistant, or nurse practitioner who evaluates the student athlete during practice or an athletic competition and authorizes the student athlete to return to play is not liable for civil damages resulting from an act or omission in rendering this decision, other than acts or omissions constituting gross negligence or wilful, wanton misconduct. This immunity applies to an athletic trainer, physician, physician assistant, or nurse practitioner serving as a volunteer.

 (E) For purposes of this section:

 (1) ‘Physician’ is defined in the same manner as provided in Section 40‑47‑20(35).

 (2) ‘Student athlete’ includes cheerleaders.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 4th day of June, 2013.

Approved the 7th day of June, 2013.

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