



**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, [~~e~~]  
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



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 State of Hawaii registered athletic trainer, if  
6 an athletic trainer is employed by the school [-];

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

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

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

18 (8) Organizations traveling from without the State to  
19 compete in school athletics and youth athletic  
20 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.

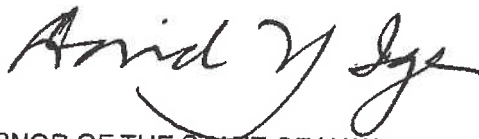
13 The sum appropriated shall be expended by the department of  
14 kinesiology and rehabilitation science of the University of  
15 Hawaii for the purposes of this Act.

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