**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑95 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO POST ON IT’S WEBSITE GUIDELINES AND MODEL POLICIES FOR IDENTIFYING AND MANAGING SUSPECTED CONCUSSIONS IN STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP CONCUSSION GUIDELINES AND PROCEDURES, TO REQUIRE SCHOOL DISTRICTS TO ANNUALLY PROVIDE INFORMATION ON CONCUSSIONS AND BRAIN INJURIES TO STUDENT ATHLETES AND THEIR PARENTS, TO REQUIRE A STUDENT ATHLETE TO BE REMOVED FROM PLAY IF BELIEVED TO HAVE SUSTAINED A CONCUSSION, AND TO ESTABLISH PROCEDURES FOR RETURNING AN ATHLETE TO PLAY, FOR FURTHER EVALUATION, AND FOR RETURNING TO PLAY AFTER FURTHER EVALUATION, AND TO PROVIDE IMMUNITY FOR TRAINERS AND PHYSICIANS WHO EVALUATE AND RETURN A STUDENT TO PLAY DURING A PRACTICE OR AN ATHLETIC COMPETITION, WHETHER THE TRAINER OR PHYSICIAN WAS A VOLUNTEER OR PAID.

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

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, or physician suspects that a student athlete, under the control of the coach, athletic trainer, 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 onsite, the athletic trainer or physician determines in his or her 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, as defined in Section 40‑47‑20(35), who has had training in concussion evaluation and management.

(4) The athletic trainer or physician 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 or physician whether or not the athletic trainer or physician received remuneration for his or her services or was serving as a volunteer.

(E) For purposes of this section, ‘student athlete’ includes cheerleaders.”

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

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