

ASSEMBLY, No. 4766

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblyman JOHN CATALANO

District 10 (Ocean)

Co-Sponsored by:

Assemblyman Thomson

SYNOPSIS

Requires use of annual baseline concussion testing for student-athletes and cheerleaders in grades six through 12.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT concerning baseline concussion testing for student-athletes
2 and cheerleaders and amending P.L.2010, c.94.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2010, c.94 (C.18A:40-41.2) is amended to
8 read as follows:

9 2. a. The Department of Education shall work to develop and
10 implement **【**, by the 2011-2012 school year,**】** an athletic head injury
11 safety training program. The program shall be completed by a
12 school physician, a person who coaches a public school district or
13 nonpublic school interscholastic sport, intramural sport, or
14 cheerleading program, and an athletic trainer involved in a public or
15 nonpublic school interscholastic sports program, intramural sports
16 program, or cheerleading program. The safety training program
17 shall include, but need not be limited to, the following:

18 (1) the recognition of the symptoms of head and neck injuries,
19 concussions, and injuries related to second-impact syndrome; **【and】**

20 (2) the appropriate amount of time to delay the return to
21 competition or practice of a student-athlete or cheerleader who has
22 sustained a concussion or other head injury; and

23 (3) the appropriate use of annual baseline concussion testing for
24 student-athletes and cheerleaders enrolled in grades six through 12.

25 b. (1) The department shall update the safety training program
26 as necessary to ensure that it reflects the most current information
27 available on the nature, risk, and treatment of sports-related
28 concussions and other head injuries.

29 (2) On or before the July 1 of the next full school year following
30 the date of enactment of P.L. , c. (pending before the
31 Legislature as this bill), the department shall update the athletic
32 head injury safety training program to incorporate materials
33 concerning the appropriate use of annual baseline concussion
34 testing for student-athletes and cheerleaders enrolled in grades six
35 through 12.

36 c. The department shall develop an educational fact sheet that
37 provides information about sports-related concussions and other
38 head injuries. A school district or a nonpublic school that
39 participates in an interscholastic sports program, intramural sports
40 program, or cheerleading program shall distribute the educational
41 fact sheet annually to the parents or guardians of student-athletes
42 and cheerleaders and shall obtain a signed acknowledgment of the
43 receipt of the fact sheet by the student-athlete or cheerleader and his
44 parent or guardian.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. As used in P.L.2010, c.94 (C.18A:40-41.1 et seq.) **["**
2 "student-athlete"] :

3 "Baseline concussion testing" means the use of a neurocognitive
4 exam, conducted by an athletic trainer or school physician before
5 the beginning of an athletic season, to assess the pre-symptomatic
6 brain functions of a student-athlete or cheerleader, the results of
7 which are used to diagnose the concussion-related symptoms of the
8 student-athlete or cheerleader.

9 "Student-athlete" means any student enrolled in a public or
10 nonpublic school in this State who is a participant in an
11 interscholastic sports program or intramural sports program
12 organized by the school.

13 (cf: P.L.2017, c.105, s.1)

14
15 2. Section 3 of P.L.2010, c.94 (C.18A:40-41.3) is amended to
16 read as follows:

17 3. a. Each school district shall develop a written policy
18 concerning the prevention and treatment of sports-related
19 concussions and other head injuries among student-athletes and
20 cheerleaders. The policy shall include, but need not be limited to,
21 the use of annual baseline concussion testing for every student-
22 athlete and cheerleader enrolled in grades six through 12, and the
23 procedure to be followed when it is suspected that a student-athlete
24 or cheerleader has sustained a concussion or other head injury.
25 When developing the district policy, a school district shall review
26 the model policy established by the Commissioner of Education
27 pursuant to subsection b. of this section, the policies established by
28 the New Jersey State Interscholastic Athletic Association, the
29 National Collegiate Athletic Association, and the recommendations
30 made by the Brain Injury Association of New Jersey Concussion in
31 Sports Steering Committee, the Athletic Trainers' Society of New
32 Jersey, and other organizations with expertise in the area of
33 preventing or treating sports-related concussions and other head
34 injuries among student-athletes and cheerleaders. Each school
35 district shall implement the policy by the 2011-2012 school year,
36 except that each school district shall implement a revised policy, on
37 or before July 1 of the next full school year following the date of
38 enactment of P.L. , c. (pending before the Legislature as this
39 bill), to incorporate the use of annual baseline concussion testing
40 for every student-athlete and cheerleader enrolled in grades six
41 through 12.

42 The policy shall be reviewed annually, and updated as necessary,
43 by the district to ensure that it reflects the most current information
44 available on the prevention, risk, and treatment of sports-related
45 concussions and other head injuries.

46 b. To assist school districts in developing policies concerning
47 the prevention and treatment of sports-related concussions and other
48 head injuries among student-athletes and cheerleaders, the

1 Commissioner of Education shall develop a model policy applicable
2 to grades kindergarten through 12. This model policy shall be
3 issued no later than March 31, 2011, except that this model policy
4 shall be revised, no later than three months prior to July 1 of the
5 next full school year following the date of enactment of P.L. _____,
6 c. (pending before the Legislature as this bill), to incorporate the
7 use of annual baseline concussion testing for every student-athlete
8 and cheerleader enrolled in grades six through 12.

9 (cf: P.L.2011, c.168, s.2)

10
11 3. Section 4 of P.L.2010, c.94 (C.18A:40-41.4) is amended to
12 read as follows:

13 4. A student who participates in an interscholastic sports
14 program, intramural sports program, or cheerleading program and
15 who sustains or is suspected of having sustained a concussion or
16 other head injury while engaged in a competition or practice shall
17 be immediately removed from the competition or practice. A
18 student-athlete or cheerleader who is removed from competition or
19 practice shall not participate in further sports or cheerleading
20 activity until he is evaluated by a physician or other licensed
21 healthcare provider trained in the evaluation and management of
22 concussions, and receives written clearance from a physician
23 trained in the evaluation and management of concussions to return
24 to competition or practice. When evaluating a student-athlete or
25 cheerleader enrolled in grades six through 12, the physician or other
26 licensed healthcare provider shall consider the results of the most
27 recent baseline concussion test completed by the student-athlete or
28 cheerleader.

29 (cf: P.L.2017, c.105, s.2)

30
31 4. Section 6 of P.L.2010, c.94 (C.45:9-37.48a) is amended to
32 read as follows:

33 6. a. The State Board of Medical Examiners shall require each
34 person licensed as an athletic trainer, as a condition for biennial
35 license renewal pursuant to section 14 of P.L.1984, c.203 (C.45:9-
36 37.48), to complete 24 credits of continuing athletic trainer
37 education, which shall include a specific number of credits of
38 instruction on topics related to concussions and head injuries,
39 including but not limited to the use of baseline concussion testing,
40 as determined by the State Board of Medical Examiners.

41 b. The board shall:

42 (1) establish standards for continuing athletic trainer education,
43 including the subject matter and content of courses of study; and

44 (2) accredit education programs offering credit toward
45 continuing athletic trainer education requirements or recognize
46 national or State organizations that may accredit education
47 programs.

1 c. Each hour of an educational course or program shall be
2 equivalent to one credit of continuing athletic trainer education.

3 d. The board may, in its discretion, waive requirements for
4 continuing athletic trainer education on an individual basis for
5 reasons of hardship such as illness or disability, retirement of
6 license, or other good cause. A waiver shall apply only to the
7 current biennial renewal period at the time of board issuance.

8 e. The board shall not require completion of continuing athletic
9 trainer education credits for any licensure period commencing
10 within 12 months of the effective date of this section.

11 f. The board shall require completion of athletic trainer
12 education credits on a pro-rated basis for any registration period
13 commencing more than 12 months but less than 24 months from the
14 effective date of this section.

15 g. Prior to license renewal, each licensee shall submit to the
16 board proof of completion of the required number of hours of
17 continuing athletic trainer education.

18 (cf: P.L.2010, c.94, s.6)

19
20 5. This act shall take effect immediately.

21
22
23 STATEMENT

24
25 This bill requires the use of annual baseline concussion testing
26 for student-athletes and cheerleaders who are enrolled in grades six
27 through 12 and participate in a school organized athletic program.

28 In December 2010, the State enacted P.L.2010, c.94 (C.18A:40-
29 41.1 et al.) to address the issue of sports-related concussions among
30 student-athletes in grades kindergarten through 12. Under this law,
31 each school district is required to develop a written policy
32 concerning the prevention and treatment of sports-related
33 concussions and other head injuries among student-athletes and
34 cheerleaders. The law also requires the Department of Education
35 (DOE) to develop: (1) an athletic head injury safety training
36 program for school physicians, athletic coaches, and athletic
37 trainers; and (2) a model policy, applicable to grades kindergarten
38 through 12, on which a school district can base its written
39 concussion policy.

40 This bill amends P.L.2010, c.94 (C.18A:40-41.1 et al.) to require
41 the use of annual baseline concussion testing for student-athletes
42 and cheerleaders enrolled in grades six through 12. Specifically,
43 the bill requires each school district to revise its written concussion
44 policy, on or before July 1 of the first full school year following the
45 date of enactment, to incorporate the use of annual baseline
46 concussion testing for these student-athletes and cheerleaders.
47 Under the bill, the DOE would also be required to update the
48 athletic head injury safety training program and the model policy,

1 respectively, to incorporate the use of annual baseline concussion
2 testing.

3 As defined in the bill, “baseline concussion testing” means the
4 use of a neurocognitive exam, conducted by an athletic trainer or
5 school physician before the beginning of an athletic season, to
6 assess the pre-symptomatic brain functions of a student-athlete or
7 cheerleader, the results of which are used to diagnose the
8 concussion-related symptoms of the student-athlete or cheerleader.

9 The bill also requires the results of a baseline concussion test to
10 be considered before the student-athlete or cheerleader receives
11 clearance to return to competition or practice. Currently, if a
12 student-athlete or cheerleader is suspected of having sustained a
13 concussion while engaged in a competition or practice, then the
14 student may only resume athletic participation after being evaluated
15 by a physician or other licensed healthcare provider who is trained
16 in the evaluation and management of concussions and receiving
17 written clearance from a physician with this training. Under the
18 bill, the physician or healthcare provider would be required to
19 consider the results of the student-athlete or cheerleader’s most
20 recent baseline concussion test when conducting this evaluation.

21 Additionally, the bill requires the existing continuing education
22 requirements for licensed athletic trainers to include instructions
23 concerning the use of baseline concussion testing. Under current
24 law, licensed athletic trainers are required to complete 24 hours of
25 continuing athletic trainer education as a condition for biennial
26 license renewal.