

SENATE, No. 3755

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 11, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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.

45 d. As used in P.L.2010, c.94 (C.18A:40-41.1 et seq.) **【**,
46 "student-athlete"**】** :

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

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

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

12
13 2. Section 3 of P.L.2010, c.94 (C.18A:40-41.3) is amended to
14 read as follows:

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

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

44 b. To assist school districts in developing policies concerning
45 the prevention and treatment of sports-related concussions and other
46 head injuries among student-athletes and cheerleaders, the
47 Commissioner of Education shall develop a model policy applicable
48 to grades kindergarten through 12. This model policy shall be

1 issued no later than March 31, 2011, except that this model policy
2 shall be revised, no later than three months prior to July 1 of the
3 next full school year following the date of enactment of P.L. ,
4 c. (pending before the Legislature as this bill), to incorporate the
5 use of annual baseline concussion testing for every student-athlete
6 and cheerleader enrolled in grades six through 12.
7 (cf: P.L.2011, c.168, s.2)

8
9 3. Section 4 of P.L.2010, c.94 (C.18A:40-41.4) is amended to
10 read as follows:

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

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

28
29 4. Section 6 of P.L.2010, c.94 (C.45:9-37.48a) is amended to
30 read as follows:

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

39 b. The board shall:

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

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

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

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

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

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

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

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

17
18 5. This act shall take effect immediately.
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21 STATEMENT

22
23 This bill requires the use of annual baseline concussion testing
24 for student-athletes and cheerleaders who are enrolled in grades six
25 through 12 and participate in a school organized athletic program.

26 In December 2010, the State enacted P.L.2010, c.94 (C.18A:40-
27 41.1 et al.) to address the issue of sports-related concussions among
28 student-athletes in grades kindergarten through 12. Under this law,
29 each school district is required to develop a written policy
30 concerning the prevention and treatment of sports-related
31 concussions and other head injuries among student-athletes and
32 cheerleaders. The law also requires the Department of Education
33 (DOE) to develop: (1) an athletic head injury safety training
34 program for school physicians, athletic coaches, and athletic
35 trainers; and (2) a model policy, applicable to grades kindergarten
36 through 12, on which a school district can base its written
37 concussion policy.

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

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

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

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