

CHAPTER.....

AN ACT relating to public safety; requiring the Superintendent of Public Instruction to adopt a policy concerning the treatment of injuries to the head; revising the contents of certain policies adopted by the Nevada Interscholastic Activities Association, the board of trustees of a school district and organizations for youth sports concerning the prevention and treatment of injuries to the head; requiring certain schools to adopt such a policy; revising the requirements for a provider of health care to perform certain functions under such a policy; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Nevada Interscholastic Activities Association, the board of trustees of each school district and each organization for youth sports that sponsors or sanctions competitive sports for youth to adopt a policy concerning the prevention and treatment of injuries to the head. Existing law requires such a policy to require: (1) a pupil or youth who sustains or is suspected to have sustained an injury to the head to be removed from an activity or event to which the policy applies; and (2) the parent or guardian of such a pupil or youth to provide a signed statement from a provider of health care authorizing the pupil or youth to return to the activity or event before the pupil or youth is authorized to return to the activity or event. (NRS 385B.080, 392.452, 455A.200)

**Section 6.5** of this bill requires the Superintendent of Public Instruction to adopt by regulation a policy concerning the treatment of injuries to the head that affect the ability of a pupil to engage in his or her course work at school. Regulations adopted pursuant to **section 6.5** must require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence. **Section 6.5** requires the Superintendent to post the policy on an Internet website maintained by the Department of Education.

**Section 7** of this bill requires the Association to adopt regulations prescribing the policy of the Association concerning the prevention and treatment of injuries to the head. **Section 7** additionally requires the association to compile information on the prevention and treatment of injuries to the head. **Section 7** also requires the Association to: (1) provide the policy to a parent or legal guardian of a pupil before the pupil participates in an interscholastic activity or event and annually thereafter; (2) ensure that the pupil and his or her parent or legal guardian sign a form containing certain disclosures before the pupil participates in an interscholastic activity or event and annually thereafter; and (3) post the policy and information to an Internet website maintained by the Association. **Section 8** of this bill requires the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to adopt a policy with the same or substantially similar provisions as those required in **sections 6.5 and 7** and to modify such provisions as necessary for the provisions to apply to any pupil that sustains an injury to the head.

**Section 10** of this bill requires each organization for youth sports that sanctions or sponsors competitive sports for youths in this State to adopt a policy with the same or substantially similar provisions as those required in **section 7**.



**Sections 6.5-8 and 10** require the Superintendent, the Association, the board of trustees of each school district, the governing body of each charter school or university school for profoundly gifted pupils and each organization for youth sports, as applicable, to review the policy each person or organization adopted pursuant to the provisions of this bill at least once every 5 years and update it as necessary to reflect current best practices in the treatment and prevention of injuries to the head.

If a pupil or youth sustains an injury to the head, existing law requires that a provider of health care sign a form indicating that the pupil is medically cleared for participation in an activity, event or competitive sport before the pupil is authorized to return to such participation. (NRS 385B.080, 392.452, 455A.200) **Sections 7, 8 and 10** additionally require the provider of health care that signs such a form to be acting within his or her scope of practice.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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WHEREAS, A concussion is a type of injury to the brain that has the ability to mildly or severely disrupt the normal function of the brain; and

WHEREAS, Some concussions cause people to lose consciousness, but the majority of concussions occur without a loss of consciousness; and

WHEREAS, Concussions may occur in any organized or unorganized sport or recreational activity or through daily life events and can result from a fall or collision with another person, the ground or an object; and

WHEREAS, According to the Johns Hopkins University School of Medicine, children and young adults are at greater risk of sustaining a concussion than the average adult; and

WHEREAS, The Mayo Clinic estimates that between 15 and 20 percent of concussions result in post-concussive syndrome, the long-term effects of which may include cognitive impairment, depression, personality changes and other psychological disorders; and

WHEREAS, The Johns Hopkins University School of Medicine advises that concussions be treated with rest and limiting activities that require a person to concentrate heavily; and

WHEREAS, The National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services stresses the importance of schools and sports organizations adopting policies to reduce the risk of a child sustaining a concussion and ensure that proper treatment is provided to a child that sustains a concussion; now, therefore,



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Sections 1-6.** (Deleted by amendment.)

**Sec. 6.5.** Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Superintendent of Public Instruction shall, in cooperation with the Nevada Interscholastic Activities Association and the Chief Medical Officer, adopt regulations prescribing a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her course work at school, including, without limitation, a concussion of the brain.*

*2. The policy adopted pursuant to subsection 1 must require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence until the pupil is mentally and physically ready to return to full participation in his or her course work. Such accommodations may include, without limitation:*

*(a) Rest;*

*(b) A modified schedule or curriculum; or*

*(c) Monitoring by a school nurse, athletic trainer or other person qualified to monitor the mental and physical health of the pupil.*

*3. The Superintendent of Public Instruction shall post the policy adopted pursuant to subsection 1 on an Internet website maintained by the Department.*

*4. At least once every 5 years, the Superintendent of Public Instruction shall:*

*(a) Review the policy adopted pursuant to subsection 1; and*

*(b) Update the policy to reflect current best practices in the prevention and treatment of injuries to head.*

**Sec. 7.** NRS 385B.080 is hereby amended to read as follows:

385B.080 1. The Nevada Interscholastic Activities Association shall , *in cooperation with the Superintendent of Public Instruction and the Chief Medical Officer,* adopt *regulations prescribing* a policy concerning the prevention and treatment of injuries to the head which may occur during *or otherwise affect* a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including,



without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil *has or* sustains or is suspected of *having or* sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care *acting within his or her scope of practice* indicating that the pupil is medically cleared for participation in the activity or event and the date on which the pupil may return to the activity or event.

3. *The Nevada Interscholastic Activities Association shall compile educational information on the prevention and treatment of injuries to the head, including, without limitation:*

(a) *Information about injuries to the head, including, without limitation, traumatic brain injuries and concussions of the brain;*

(b) *The procedure to be followed after an injury to the head or a suspected injury to the head of a pupil is sustained, including, without limitation, any procedure in the policy adopted pursuant to subsection 1 to determine when a pupil may return to full participation in any interscholastic activity or event;*

(c) *The symptoms that a pupil who has sustained an injury to the head is likely to exhibit and the manner in which such symptoms are likely to subside over time; and*

(d) *The recommended care and accommodations for a pupil who has sustained or is suspected to have sustained a concussion or other injury to the head and the resources for identifying the proper care and accommodations for a specific pupil.*

~~[3.]~~ 4. Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, *the Nevada Interscholastic Activities Association shall ensure that* the pupil and his or her parent or legal guardian:

(a) ~~[Must be]~~ *Are* provided with a copy of the policy adopted pursuant to subsection 1; and

(b) ~~[Must sign]~~ *Sign* a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil, *if capable*, and his or her parent or guardian ~~[have read and understand the terms and conditions of the policy.]~~ *understand:*

(1) *That injuries to the head may occur during the participation of a pupil in interscholastic activities and events;*



(2) *The risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;*

(3) *The risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head; and*

(4) *That the policy adopted pursuant to subsection 1 and the educational information compiled pursuant to subsection 3 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.*

~~[4.—As used in this section, “provider of health care” means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.]~~

5. *The Nevada Interscholastic Activities Association shall post the policy adopted pursuant to subsection 1 and the educational information compiled pursuant to subsection 3 on the Internet website of the Nevada Interscholastic Activities Association.*

6. *At least once every 5 years, the Nevada Interscholastic Activities Association shall:*

(a) *Review the policy adopted pursuant to subsection 1 and the information compiled pursuant to subsection 3; and*

(b) *Update the policy and information to reflect current best practices in the prevention and treatment of injuries to head.*

7. *As used in this section, “provider of health care” means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.*

**Sec. 8.** NRS 392.452 is hereby amended to read as follows:

392.452 1. ~~[For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, the]~~ *The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a policy concerning the prevention and treatment of injuries to the head [which may occur during] of a [pupil’s participation in competitive sports within the school district,] pupil, including, without limitation, a concussion of the brain. [To the extent practicable, the] The policy must [be consistent with] :*



(a) *Include at least the same or substantially similar provisions as the ~~[policy]~~ policies adopted by the Superintendent of Public Instruction pursuant to section 6.5 of this act and the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 ~~[The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.]; and~~*

(b) *Be modified as necessary to cover all pupils at a school who have or sustain, or are suspected of having or sustaining, an injury to the head, regardless of whether a pupil is at school or participating in an extracurricular activity when the injury or suspected injury occurs.*

2. The policy adopted pursuant to subsection 1 must require that if a pupil *has or* sustains , or is suspected of *having or* sustaining , an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the pupil provides a signed statement of a provider of health care *acting within his or her scope of practice* indicating that the pupil is medically cleared for participation in the competitive sport and the date on which the pupil may return to the competitive sport.

3. Before a pupil participates in competitive sports within a school district ~~[ ]~~ *or for a charter school or university school for profoundly gifted pupils*, and on an annual basis thereafter, the *board of trustees of a school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall ensure that each* pupil and his or her parent or legal guardian:

(a) ~~[Must be]~~ *Are* provided with a copy of the policy adopted pursuant to subsection 1; and

(b) ~~[Must sign]~~ *Sign* a statement on a form prescribed by the board of trustees *of the school district, governing body of the charter school or the governing body of the university school for profoundly gifted pupils, as applicable*, acknowledging that the pupil , *if capable*, and his or her parent or guardian ~~[have read and understand the terms and conditions of the policy.~~

~~—4.] understand:~~



*(1) That injuries to the head may occur during the participation of a pupil in interscholastic activities and events;*

*(2) The risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;*

*(3) The risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head; and*

*(4) That the policy adopted pursuant to subsection 1 and the educational information compiled pursuant to subsection 3 of NRS 385B.080 are available on the Internet website maintained by the school district, charter school or university school for profoundly gifted pupils in which the pupil is enrolled.*

*4. Upon notification that a pupil enrolled in a public school has sustained or is suspected of having sustained an injury to the head, the board of trustees of a school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils, as applicable, shall ensure that the pupil and his or her parent or legal guardian are provided with a printed or electronic copy of the policy adopted pursuant to subsection 1.*

*5. Each public school, charter school and university school for profoundly gifted pupils shall post the policy adopted pursuant to subsection 1 and the educational information prepared pursuant to subsection 3 of NRS 385B.080 on an Internet website maintained by the school.*

*6. At least once every 5 years, the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall:*

*(a) Review the policy adopted pursuant to subsection 1; and*

*(b) Update the policy to reflect current best practices in the prevention and treatment of injuries to the head.*

*7. Each employee of a public school who supports the academics or health, including, without limitation, mental or physical health, of a pupil who has sustained or is suspected of having sustained an injury to the head must annually complete training regarding the prevention and treatment of injuries to the head, which must include, without limitation, a review of the educational information compiled pursuant to subsection 3 of NRS 385B.080. Each public school shall maintain a record of the training required by this section which is completed by each employee of the public school and provide such a record upon request.*



8. As used in this section, “provider of health care” means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** NRS 455A.200 is hereby amended to read as follows:

455A.200 1. Each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during *or otherwise affect* a youth’s participation in those competitive sports, including, without limitation, a concussion of the brain. ~~[To the extent practicable, the]~~ *The* policy must ~~[be consistent with]~~ *include at least the same or substantially similar provisions as* the policy adopted by the Nevada Interscholastic Activities Association pursuant to *subsection 1 of* NRS 385B.080. ~~[The policy must provide information concerning the nature and risk of injuries to the head which may occur during a youth’s participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.]~~

2. The policy adopted pursuant to subsection 1 must require that if a youth *has or* sustains , or is suspected of *having or* sustaining , an injury to the head while participating in competitive sports, the youth:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the youth provides a signed statement of a provider of health care *acting within his or her scope of practice* indicating that the youth is medically cleared for participation in the competitive sport and the date on which the youth may return to the competitive sport.

3. Before a youth participates in competitive sports sanctioned or sponsored by an organization for youth sports in this State, *and on an annual basis thereafter, the organization for youth sports shall ensure that* the youth and his or her parent or legal guardian:

(a) ~~[Must be]~~ *Are* provided with a copy of the policy adopted pursuant to *paragraph (a) of* subsection 1; and

(b) ~~[Must sign]~~ *Sign* a statement on a form prescribed by the organization for youth sports acknowledging that the youth , *if*





*capable*, and his or her parent or legal guardian ~~[have read and understand the terms and conditions of the policy.~~

~~—4.] understand:~~

*(1) That injuries to the head may occur during the participation of a youth in youth sports;*

*(2) The risks associated with participating in a youth sport in which a youth may sustain an injury to the head;*

*(3) The risks associated with continuing to participate in a youth sport after a youth has sustained an injury to the head;*

*(4) That the policy adopted pursuant to subsection 1 is available on the Internet website, if any, maintained by the organization for youth sports; and*

*(5) That the policy adopted and the educational information compiled pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.*

*4. Each organization for youth sports that sanctions or sponsors competitive sports for youths shall post the policy adopted pursuant to subsection 1 on an Internet website maintained by the organization, if any.*

*5. At least once every 5 years, each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall:*

*(a) Review the policy adopted pursuant to subsection 1; and*

*(b) Update the policy to reflect current best practice in the prevention and treatment of injuries to the head.*

*6. As used in this section:*

*(a) "Provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.*

*(b) "Youth" means a person under the age of 18 years.*

**Sec. 11.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 12.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and



(b) On July 1, 2024, for all other purposes.

20 ~~~~~ 23

