

LAWS OF DELAWARE
VOLUME 84
CHAPTER 217
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 193

AN ACT TO AMEND TITLES 14 AND 16 OF THE DELAWARE CODE RELATING TO CONCUSSION PROTECTION IN YOUTH ATHLETIC ACTIVITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 30L, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 30L. CONCUSSION PROTECTION IN YOUTH ATHLETIC ACTIVITIES ACT

§ 3003L. Definitions.

For purposes of this chapter:

(6) “Health-care provider” means a licensed physician (Doctor of Medicine or Doctor of Osteopathic ~~Medicine~~) Medicine), a Physician Assistant, or an Advanced Practice Registered Nurse, who is trained and experienced in the evaluation, management, and care of concussions, or such other licensed health-care professional ~~as may be designated by the Division~~, who is trained and experienced in the evaluation, management, and care of concussions, as defined by the Division.

§ 3005L. Materials development and distribution.

(a) Before an athlete may participate in an athletic activity, the organizing entity shall provide a concussion information sheet published by the Council to the athlete and the parent or guardian of the athlete. The athlete and the parent or guardian of the athlete shall sign a statement acknowledging receipt of the information sheet and return it to the organizing entity before the athlete shall be allowed to participate in the athletic activity. For recurrent or on-going athletic activity, the provision of the information sheet and return of the signed acknowledgment shall be completed annually.

(b) The Council shall create and maintain a concussion management section on its website to provide the guidelines necessary for each organization with non-scholastic youth athletic activity to develop their own policies and procedures pertaining to, but not limited to, the creation and production of all of the following:

(1) A concussion information sheet for coaches, officials, athletes, and athletes’ parents or guardians advising of the signs and symptoms of concussion and explaining the risk of continuing to practice or compete in athletic events or activities after sustaining a concussion.

(2) Guidelines for coaches and officials pertaining to athletes who are returning to the classroom after sustaining a concussion (“Return to Learn Guidelines”).

(3) Guidelines for coaches and officials pertaining to athletes returning to practice, play, or competition after a concussion (“Graduated Stepwise Return to Athletic Participation Guidelines”).

(4) Links to one or more additional free online concussion training programs as provided by the National Federation of State High School Associations (NFHS), the Centers for Disease Control and Prevention (CDC), or a comparable program or resource.

(c) The Council, in collaboration with the Division, shall on a biennial basis review the guidelines set forth in paragraph (b) of this section and update the guidelines accordingly.

§ 3006L. Coach and official training.

(a) Each on-site official and coach responsible for selection of participants for an athletic activity shall complete initial and periodic concussion training consistent with a schedule and content standards published by the Council. The schedule and content standards shall not exceed any coach or official concussion training requirements adopted by the Delaware Interscholastic Athletic Association and shall include the opportunity to complete verifiable training online.

(b) Every non-scholastic youth athletic activity organization or association created for, engaged in, or otherwise expressly permitting a significant concussion risk activity shall develop policies and procedures pursuant to §3005L of this section to inform and educate their respective coaches, officials, athletes, and athletes’ parents or guardians of the nature and risks of concussion, including the risks of continuing to play, compete, or practice after incurring a concussion.

§ 3007L. Regulations.

The Division, in consultation with the Council and other stakeholders, may promulgate regulations to implement ~~§ 3003L(6) and (8) of this title.~~ the provisions of this chapter.

Section 2. Amend Chapter 3, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 302. Definitions.

As used in this chapter:

() “Health-care provider” means a licensed physician (Doctor of Medicine or Doctor of Osteopathic Medicine), a Physician Assistant, or an Advanced Practice Registered Nurse, who is trained and experienced in the evaluation, management, and care of concussions, or such other licensed health-care professional who is trained and experienced in the evaluation, management, and care of concussions.

§ 303. Regulations, policies, and procedures.

(d) The Board shall adopt regulations applicable to a member school regarding the appropriate recognition and management of a student athlete exhibiting signs or symptoms consistent with a concussion. The regulations must require at least all of the following:

(3) A student athlete must be promptly removed from play if the athlete is suspected of sustaining a concussion or exhibits signs or symptoms of concussion until completion of assessment by a qualified ~~healthcare professional~~ health-care provider or medical clearance from a qualified health-care provider.

(4) Written clearance for return to play after a concussion must be from a ~~licensed physician, such as a doctor of medicine or doctor of osteopathic medicine.~~ health-care provider.

Approved September 21, 2023