



NIAAA STATE POLICY TRACKER SUMMARY

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STATE POLICIES SUMMARIES

The following provides an overview of the policies being raised in states over the last year.

Safety & Health

Concussions and other injury prevention

Comprehensive. Concussion bills have been around long enough now that we are starting to see states go through a reauthorization process.

- Iowa, Illinois, and North Carolina have major bills that would revise concussion policies in those states. New York has a bill that would extend rules applying to public schools to private schools.

Training. There are a fair number of states that have proposed changes in safety training protocols, particularly around concussions – who needs to get training, frequency of training, and what the training covers.



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- An Alabama bill would require volunteers to take a safety course; California and Indiana heat exposure training for coaches; Connecticut annual concussion training for coaches; Hawaii concussion training for all youth athletes; Illinois 2-hour concussion training including coaches and officials and non-licensed medical professionals; Iowa development of concussion training materials for coaches; Massachusetts has several bills that would require concussion training for various school personnel and parents; Maryland concussion education for coaches, school personnel, students, and parents; North Carolina heat and sudden cardiac arrest training for those involved in athletic activities; Puerto Rico bill would require coaches take a sports psychology course; and Vermont concussion training every 2-years for coaches and referees of collision sports.

Return to play/concussion protocols. Several states introduced legislation to update the return to play protocols.

- Alaska, Arizona, Kansas, and Oregon further define or expand the definition of who can authorize return to play. Illinois bill would extend that authority to chiropractors, and Tennessee to nurses, while a New Jersey bill would restrict it to physicians. A North Carolina bill would give return to play authority to parents.

Return to classroom. Along with protocols for return to play, we have seen legislation acknowledging that head injury recovery can be hindered by classroom participation and have thus looked to set a return to classroom protocols, as well.

- New Jersey and West Virginia have bills introduced to do as such. New Jersey also has a bill that would create a state-wide position to help coordinate services and procedures for students who have suffered a head injury.

Notice and consent. There have been a couple of bills introduced to update/create notice and consent requirements to participate in sports.

- Arizona and Iowa have parental notification bills. An Arizona bill would require information to be shared with students and parents on a variety of safety risks. A Michigan bill would create/improve educational material on concussions. A New York bill would require concussion awareness education for those taking part in tackle football. A North Carolina bill would require the distribution of a head injury sheet annually to coaches, athletic directors, volunteers, parents, and students.

Safety equipment. Legislation continues to be introduced at the state level around safety sports equipment.

- A Georgia bill would recommend the use of helmets of a certain safety rating, while a Connecticut bill would require the posting of safety performance ratings of helmets used. Illinois and Rhode Island bills would require softball pitcher headgear, Massachusetts bills cover soccer headgear and headgear for floor hockey, and a West Virginia bill requires neck braces for football.



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Studies and commissions. Bills have been introduced to set up studies and commissions around sports injuries.

- A Massachusetts bill calls for the study of concussion testing methods and another bill to study concussion occurrences. A third Massachusetts bill would create a commission to study school sports injuries. A Minnesota bill would create a working group and pilot for youth sports concussion research, while a Tennessee bill calls to study the effects of head injuries.

Monitoring. We are seeing a growing number of state bills looking to monitor sports injuries.

- A Hawaii bill would provide funding for concussion monitoring, and bills in New Jersey and North Carolina call for keeping a list of concussed student athletes.

Pre-testing. Requiring student athletes to get baseline testing and other pre-participation testing is another issue we continue to see pop-up.

- A Massachusetts bill would require baseline testing and another bill would require insurance companies to cover that and other concussion related expenses and cardiac testing. A New York bill would require heart evaluations and a New Jersey bill would require insurance coverage of pre-participation student athlete physical examinations.

Prohibitions. We have started to see bills that prohibit participation in certain activities, usually around collisions.

- An Illinois bill would prohibit tackle football for those under 12, a New York bill would set the bar at 11, and Maryland contact activities, including tackle football, for those under 14. A New Jersey bill would ban the use of metal bats.

Safety standards.

- A Utah bill would require the state to set safety standards for high school athletic teams and would require high schools to annually report on compliance with those rules.

Sexual abuse prevention/reporting/background check requirements

As the issue of sexual abuse gains attention, states are looking for ways to address it. For example:

Coach training. Whether coaches should be trained about sexual abuse was the subject of bills.

- Such bills have been introduced in Massachusetts and Michigan.

Background checks. States are looking at who should be required to pass a background check.

- Illinois, Massachusetts, and New Jersey bills would require background checks of officials, New Jersey of volunteers, and Washington of youth coaches. A bill in New Jersey would create a background check registry.



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Mandatory reporting. Who should be required to report suspected abuse continues to be an issue for legislation.

- Michigan has seen a comprehensive set of bills introduced in response to the Larry Nasser situation. A Mississippi bill would have set a penalty for school employees not reporting and one would have extended reporting requirements to school administrators.

Prohibited relationships.

- A Florida bill would have made it illegal for sexual/lewd relationships between students and authority figures.

Hiring ban. There continues to be legislative activity around banning for certain positions those convicted of sexual misconduct.

- A Virginia bill likely to become law bans the hiring by schools of individuals convicted of sexual misconduct.

Cardiac arrest/sudden death

We are seeing bills about training, testing, and education around cardiac arrest of student athletes and bills requiring defibrillators.

Information, education, and risk notification. States continue to look for appropriate ways to get information out to those involved about cardiac arrest.

- Bills containing such provisions have been introduced in Arizona, Georgia, Maine, Massachusetts, New York, North Carolina, and Vermont.

Prescreening/physicals. The issue of requiring the prescreening of sports participants has been explored.

- Bills requiring such has been introduced in Massachusetts, New Jersey, and New York. Another Massachusetts bill would require insurance to cover such prescreening. A North Carolina bill would allow for chiropractors to perform physicals for athletes.

Protocols. Like concussions, states are looking at setting various protocols around cardiac arrest, such as return to play rules.

- Bills dealing with return to play have been introduced in Connecticut and Georgia. A New York bill would set treatment and monitoring protocols.

Defibrillators. State bills look for ways to make defibrillators more available.

- A Hawaii bill would require all public schools to have an external defibrillator. A Pennsylvania bill would require that schools have at least five professionals trained in the used of defibrillators.



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Study/commission.

- A North Carolina bill would set up a legislative task force on sudden cardiac arrest in student athletes.

Athletic trainers and other sports medical officials

Several states have had bills introduced that would set treatment procedures, licensing, and other regulations for athletic trainers.

Practicing out-of-state. Many states have had state versions of the federal Sports Medicine Licensure Clarity Act, which would allow out-of-state athletic trainers to treat their team's players competing in the state, so long as they are licensed in their home state.

- Such bills have been introduced in Hawaii, Massachusetts, Nebraska, Texas, and West Virginia.

Certification and standards of practice.

- An Illinois bill would remove the certification requirement from athletic trainers and another Illinois bill would change the definition of "licensed athletic trainer," and Minnesota and New York bills would do the same for the definition of "athletic trainer." A West Virginia bill deals with certification requirements. A Maryland bill would require a licensed athletic trainer to practice athletic training in accordance with standards of practice established by certain organizations.

Insurance coverage. States are looking at athletic trainer services coverage by insurance companies.

- A North Carolina bill would allow parents to choose an athletic trainer and that trainer's services would be covered by their insurance. An Oklahoma bill would require health insurance plans cover athletic trainer services.

Health officials present. In the past, we have seen bills that would require certain medical professionals, particularly athletic trainers, present at certain times.

- Iowa has a bill that would require medical personnel at all collision sports games and a Massachusetts bill would require licensed athletic trainers to be employed at all high schools in the state. A New Jersey bill would require licensed athletic trainers at events of certain youth sports, and Rhode Island bills would require them at all high school athletic practices and games. A Utah bill would not allow insurance plan exclusions for preferred providers of athletic trainer services. A Michigan bill would require emergency services at sporting events.



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Crumb rubber/artificial turf

Prohibitions/moratoriums. The debate over whether crumb rubber is safe to use in athletic fields and recreational settings continues to surface in communities around the country.

- A Massachusetts bill would prohibit bond funding for crumb rubber fields. A Virginia bill would create a three-year moratorium on installation.

Study. Other states have taken the approach of requiring further study.

- New Hampshire and New York bills call for studying the health effects.

Notice. Another approach is to provide public notice through the posting of signs denoting use of crumb rubber.

- Such bills have been introduced in Minnesota.

Emergency and safety procedures

Several states had bills introduced that require creating, expansion, and/or posting of school emergency plans.

Posting.

- A Massachusetts bill would require the posting of emergency plans.

School functions.

- A New York bill would clarify when student safety procedures apply for school property to also include “school functions.”

Opioid addiction

Opioid addiction continues to be a major issue facing our country and is one that student athletes are particularly vulnerable to due to their often experience of painful injuries and thus exposure to pain medication.

- We are not aware of any bills introduced so far this legislative session on this issue as it specifically relates to secondary school athletics.

Steroids

Whether it is providing information to student athletes, testing requirements, or even tying steroids to the issue of transgender students due to the use of steroids in the gender transition process, states continue to grapple with the issue of steroid use in interscholastic athletics.

- New Jersey has a preventative information bill introduced. New York has a mandatory testing bill.



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Other

Buses.

- An Indiana bill would require seat belts on school buses, and an Illinois bill would extend the age of students allowed to use multi-functional school activity buses from grades 9-12 to all grades.

Reporting illegal behavior. Beyond sexual assault reporting, states have looked at adding other illegal behaviors reporting requirements.

- A Missouri bill would require school employees to report to the principal certain illegal behaviors exhibited by students.

Bullying/hazing.

- A Massachusetts bill would expand current anti-bullying crime to add hazing.

Pesticide use.

- A New Jersey bill would restrict the use of pesticides in proximity to schools.

Limiting playing time.

- A Puerto Rico bill would limit the amount of daily practice that youth athletes could take part in.

Education

Equity and accessibility

Who can/is participating in interscholastic sports continues to be something states are engaged in. For example:

Home school students participating in interscholastic sports. There were a number of states that had bills introduced covering home school students participating in interscholastic sports.

- We have seen such bills in Georgia, Hawaii, Kentucky, New York, Texas, and West Virginia.

Non-public school students participating in interscholastic sports.

- Illinois has a bill to allow for non-public students to participate; Oklahoma charter school students; and South Carolina has bills covering charter, private, and non-public students.

Other school/district participants.

- New Jersey, North Carolina, and South Dakota bills would allow students from other schools/districts to participate in sports of that district if their district/school does not offer that sport.



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Title IX/gender equality reporting.

- A New Jersey bill would create gender athletic opportunity reporting for schools.

Transgender students. States and schools continue to struggle with the issue of transgender students, particularly as the current federal Administration removed federal guidance on the topic provided by the former Administration.

- Hawaii has bills that would prohibit discrimination based on sex, including gender identity or expression, while bills in Missouri, Oklahoma, and Texas would restrict access to biological sex at birth, and a Texas bill was aimed at limiting transgender student participation through the use of steroids commonly used in gender transition therapy. A bill in New Jersey would create a task force looking into treatment of trans students in secondary and higher education. A New York bill would require schools to establish policies relating to the treatment of transgendered and gender non-conforming students.

School choice/transfers. As school choice continues to gain popularity, issues of student athletes transferring to another school come with it.

- A bill addressing that issue has been introduced in Mississippi. A Washington bill would make it easier for transfer students from military families to participate.

Students with special needs/disabilities. States continue to look for ways to provide opportunities for all students to participate in interscholastic sports, including students with special needs/disabilities.

- Illinois and Michigan have bills covering participation by students with special needs, while a Massachusetts bill looks to promote activities for students with disabilities.

Grade repeaters. What to do about students who repeat grades and are thus at an advanced age than others in their grade?

- A New Jersey bill looks to address that issue.

Students in the juvenile justice system participating in interscholastic sports.

- Participation of students in the juvenile justice system was the focus of a bill in Texas.

Professional development

Certification requirement. As the positions within interscholastic sports gain complexity and liability risks, you are seeing states look to require or incentivize training and certifications.

- A bill in Illinois has been introduced that would require certification of game officials.

Athletic Administrator certification. There are bills being introduced dealing with similar subjects to which athletic administrator certification requirements could be added.



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- There is a teacher certification bill in Arizona that might be amended to include athletic administrator certification.

Athletic Administrator requirement.

- A Washington bill would create a program to recruit various school personnel from underrepresented populations. While the bill includes “administrators,” it could be amended to make it explicit by adding “athletic administrators.”

Other

Student athletic records.

- A New York bill would add explicitly changing student athletic records to law penalizing changes to other academic records.

Exempting paid leave tax exemption.

- A South Carolina bill would provide tax-exempt paid leave for volunteers teaching/talking about their profession with students. It may allow professional and collegiate coaches and players to get tax-exempt paid leave to teach or share about their profession with student athletes.

Former teachers serving as coaches.

- A Washington bill would allow former teachers to serve as coaches and mentors without losing their benefits.

Sports and Physical Activity

Interscholastic athletics

We continue to see states looking at how interscholastic athletic competition is regulated and governed.

Governance of state athletic associations. One such issue is determining where the governance should reside.

- A bill in South Carolina would move the state athletic association under the state, while a Tennessee bill would transfer oversight of interscholastic sports to the state’s department of education. A Virginia bill calls for the study of various governance and operation aspects of the state’s athletic association. A Washington bill would require any changes in association policies/rules to be approved by the state legislature.

Open records. There continues to be pushes to require state athletic associations and school athletic programs to be more transparent.



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- A Massachusetts bill would require the disclosure of financial costs of post-regular season interscholastic competitions. A Missouri bill would require yearly reports from statewide athletic organizations with public school members, and another Missouri bill would require schools to have their financial audits contain certain information relating to extracurricular activities within the school district. A Pennsylvania bill would subject the state athletic association to the same open records requirements as local agencies. A Washington bill would require, along with financial disclosures, annual reporting of appeal determinations by the state athletic association.

Competition regulations.

- A Georgia bill would set various requirements for public and private school athletic competitions. A Massachusetts bill would set up a working group to look at various competition issues. Bills in Texas would have prohibited interscholastic leagues from assigning a school to a district for competition reasons.

Eligibility regulation.

- An Iowa bill would set up a working group on academic ineligibility for extracurricular activities.

Recruitment. States continue to look at the issue of school recruitment of students based on their athletic abilities.

- A New Jersey bill would require the certification that non-player requirement occurred.

Coaching duties.

- A Missouri bill would require coaches to be present at practices.

Instant replay.

- A Georgia bill would require instant replay in high school football playoffs and championship games.

Athlete agents

Several states have bills dealing with recruitment that would change the Uniform Athlete Agents Act in their state, including:

- Hawaii, Iowa, Kentucky, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, and West Virginia.

Physical education

There continues to be state activity around physical education requirements in schools.



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Physical education mandate.

- A Massachusetts bill would require that physical education is taught as a required subject in all public schools.

Other

Sports officials. States are looking for ways to deal with a shortage of sports officials due to their pay as well as addressing violence directed at sports officials.

- A Massachusetts bill would provide liability immunity to sports officials for injuries during athletic competitions in which they are officiating. A set of Massachusetts bills would address violence toward officials. A New Jersey bill would give officials more say in the fees set for their services. A New York bill would allow minors to serve as officials. A Texas bill would bar students who exhibit violent behavior toward officials from participating in sports competitions.

Prayer during sports.

- A Georgia bill would address coaches being able to pray with their players before a game.

Regulations of stadiums.

- A Massachusetts bill would exempt school athletic stadiums from state requirements governing the number of restroom facilities required for non-residential buildings.

Codes of conduct.

- A Massachusetts bill authorizes a study on codes of conduct for players, coaches, officials, and parents with the goal of developing statewide codes of conduct.

E-sports/video games. We are starting to see interest at the collegiate level of e-sports/video game competitions and suspect, if it is not already happening, that they will enter into the secondary school interscholastic sphere.

Liability. As injury related lawsuits continue to be leveled against schools, we see interest in providing liability immunity for schools.

- A New Jersey bill would create certain liability immunity for volunteers at sporting events.