

By: Rosenthal

H.B. No. 691

A BILL TO BE ENTITLED

AN ACT

relating to prevention of and safety requirements regarding sudden cardiac arrest affecting public school students participating in interscholastic athletics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. PREVENTION OF AND SAFETY REQUIREMENTS REGARDING SUDDEN CARDIAC ARREST AFFECTING STUDENT ATHLETES

Sec. 38.181. DEFINITIONS. In this subchapter:

(1) "Athletic trainer" has the meaning assigned by Section 451.001, Occupations Code.

(2) "Coach" includes an assistant coach.

(3) "League" means the University Interscholastic League.

(4) "Parent" includes a guardian or other person with legal authority to make medical decisions for a student.

(5) "Physician" means a person who holds a license to practice medicine in this state.

Sec. 38.182. APPLICABILITY. This subchapter applies to an interscholastic athletic activity, including practice and competition, sponsored or sanctioned by:

(1) a school district and any school for which a charter has been granted under Chapter 12; or

1 (2) the league.

2 Sec. 38.183. WEBSITE INFORMATION. (a) The agency shall
3 develop guidelines and other relevant materials, in accordance with
4 this section, to educate students, parents, and coaches regarding
5 sudden cardiac arrest, including:

6 (1) warning signs and symptoms, including:

7 (A) fainting or seizures during athletic
8 activity;

9 (B) difficulty breathing;

10 (C) chest pains;

11 (D) dizziness;

12 (E) abnormal racing heart rate; and

13 (F) extreme fatigue; and

14 (2) risks associated with continuing athletic
15 activity after experiencing a warning sign or symptom of sudden
16 cardiac arrest.

17 (b) In developing the guidelines and other materials under
18 Subsection (a), the agency may use educational videos and other
19 resources available at no cost.

20 (c) The agency shall post on the agency's Internet website
21 the guidelines and other materials developed under Subsection (a).

22 Sec. 38.184. REQUIRED ANNUAL FORM ACKNOWLEDGING SUDDEN
23 CARDIAC ARREST INFORMATION. (a) A student may not participate in
24 an interscholastic athletic activity for a school year until both
25 the student and the student's parent have signed a form for that
26 school year that acknowledges receiving and reading written
27 information that:

1 (1) explains:

2 (A) sudden cardiac arrest warning signs and
3 symptoms; and

4 (B) electrocardiogram testing;

5 (2) provides notice of the option of the student to
6 request the administration of an electrocardiogram in addition to a
7 physical examination; and

8 (3) is consistent with the information in the
9 materials developed and posted under Section 38.183.

10 (b) The form required under Subsection (a) must be approved
11 by the league.

12 Sec. 38.185. INFORMATIONAL MEETING. Before the start of
13 each athletic season, a school district or charter school may hold
14 an informational meeting regarding the warning signs and symptoms
15 of sudden cardiac arrest for students, parents, coaches, and other
16 school employees. The district or school may invite a physician,
17 including a pediatric cardiologist, or athletic trainer to present
18 information at the meeting.

19 Sec. 38.186. REQUEST FOR ELECTROCARDIOGRAM. A student may
20 request an electrocardiogram from any health care professional,
21 including a health care professional provided through the student's
22 patient-centered medical home, as defined by Section 533.0029,
23 Government Code, a health care professional provided through a
24 school district program, or another health care professional chosen
25 by the parent, provided that the health care professional is:

26 (1) appropriately licensed in this state; and

27 (2) authorized to administer and interpret

1 electrocardiograms under the health care professional's scope of
2 practice.

3 Sec. 38.187. REMOVAL AND PREVENTION FROM PLAY IN PRACTICE
4 OR COMPETITION FOLLOWING SUDDEN CARDIAC ARREST WARNING SIGN OR
5 SYMPTOM. (a) A student shall be removed from an interscholastic
6 athletic practice or competition immediately if any of the
7 following persons determines that the student has lost
8 consciousness during the practice or competition:

9 (1) a coach;

10 (2) a physician;

11 (3) a licensed health care professional;

12 (4) a school nurse; or

13 (5) the student's parent.

14 (b) A student may be removed from an interscholastic
15 athletic practice or competition by a person listed in Subsection
16 (a) if the person determines that the student has exhibited a
17 warning sign or symptom of sudden cardiac arrest other than the loss
18 of consciousness as described by Sections 38.183(a)(1)(B)-(F).

19 (c) Subject to Section 38.188, if a person listed in
20 Subsection (a) knows that a student has lost consciousness at any
21 time during or immediately following an interscholastic athletic
22 practice or competition, the student shall be prevented from
23 participating in any further practice or competition.

24 (d) Subject to Section 38.188, if a person listed in
25 Subsection (a) knows that a student has exhibited a warning sign or
26 symptom of sudden cardiac arrest other than the loss of
27 consciousness at any time during or immediately following an

1 interscholastic athletic practice or competition, the student may
2 be prevented from participating in any further practice or
3 competition.

4 Sec. 38.188. RETURN TO PLAY IN PRACTICE OR COMPETITION. A
5 student removed from or prevented from participating in an
6 interscholastic athletic practice or competition under Section
7 38.187 may not be permitted to practice or compete again until:

8 (1) the student has been evaluated by:

9 (A) a physician;

10 (B) a licensed health care professional; or

11 (C) a school nurse; and

12 (2) the evaluating health care provider has provided a
13 written statement indicating that, in the provider's professional
14 judgment, it is safe for the student to return to play.

15 Sec. 38.189. TRAINING COURSES. (a) The league shall
16 approve for coaches of interscholastic athletic activities
17 training courses that provide for training in the subject matter of
18 sudden cardiac arrest, including prevention, warning signs and
19 symptoms, risks, and long-term effects.

20 (b) A coach may not coach an interscholastic athletic
21 activity for a school year until the coach has completed a training
22 course approved under Subsection (a).

23 (c) A coach must submit proof of timely completion of an
24 approved course in compliance with Subsection (b) to the school
25 district superintendent or the superintendent's designee or, in the
26 case of a charter school, a person who serves the function of a
27 superintendent or that person's designee.

1 Sec. 38.190. IMMUNITY. This subchapter does not:

2 (1) waive any immunity from liability of a school
3 district or charter school or of district or school officers or
4 employees;

5 (2) create any liability for a cause of action against
6 a school district or open-enrollment charter school or against
7 district or charter school officers or employees; or

8 (3) waive any immunity from liability under Section
9 74.151, Civil Practice and Remedies Code.

10 Sec. 38.191. RULES. The commissioner and the league may
11 adopt rules as necessary to administer this subchapter.

12 SECTION 2. Section 33.096, Education Code, is repealed.

13 SECTION 3. Subchapter D-1, Chapter 38, Education Code, as
14 added by this Act, applies beginning with the 2023-2024 school
15 year.

16 SECTION 4. Notwithstanding Section 38.189, Education Code,
17 as added by this Act, a coach required under that section to take a
18 training course in the subject of sudden cardiac arrest must
19 initially complete the training course not later than September 1,
20 2024.

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2023.