87R7165 MWC-D

By:  Rosenthal H.B. No. 2605

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

(2)  the league.

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

(1)  warning signs and symptoms, including:

(A)  fainting or seizures during athletic activity;

(B)  difficulty breathing;

(C)  chest pains;

(D)  dizziness;

(E)  abnormal racing heart rate; and

(F)  extreme fatigue; and

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

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

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

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

(1)  explains:

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

(B)  electrocardiogram testing;

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

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

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

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

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

(1)  appropriately licensed in this state; and

(2)  authorized to administer and interpret electrocardiograms under the health care professional's scope of practice.

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

(1)  a coach;

(2)  a physician;

(3)  a licensed health care professional;

(4)  a school nurse; or

(5)  the student's parent.

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

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

(d)  Subject to Section 38.188, if a person listed in Subsection (a) knows that a student has exhibited a warning sign or symptom of sudden cardiac arrest other than the loss of consciousness at any time during or immediately following an interscholastic athletic practice or competition, the student may be prevented from participating in any further practice or competition.

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

(1)  the student has been evaluated by:

(A)  a physician;

(B)  a licensed health care professional; or

(C)  a school nurse; and

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

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

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

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

Sec. 38.190.  IMMUNITY. This subchapter does not:

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

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

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

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

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

SECTION 3.  Subchapter D-1, Chapter 38, Education Code, as added by this Act, applies beginning with the 2021-2022 school year.

SECTION 4.  Notwithstanding Section 38.189, Education Code, as added by this Act, a coach required under that section to take a training course in the subject of sudden cardiac arrest must initially complete the training course not later than September 1, 2022.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.