

<p>Subject:</p> <p><i>Emergency Plans for Sports Related Injuries</i></p> <p>Date: July 30, 2024</p>	<p>Legal Reference—SB 379 (2023-2024 Legislative Session)</p> <p>Legal Reference—SB 148 (2020-2021 Legislative Session)</p> <ul style="list-style-type: none">• RSA 200:40-c
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This Technical Advisory continues the New Hampshire Department of Education’s communication regarding new legislation, which was passed during the 2023-2024 legislative session.

*SB 379, which pertains to emergency plans for sports related injuries, amends RSA 200:40-c. **This law is applicable to public and non-public schools.***

*Most of the amendments contained in SB 379 become effective on **August 1, 2024**, and one (1) section becomes effective on **August 1, 2025**.*

Introduction—

During the 2023-2024 legislative session, SB 379, which amends RSA 200:40-c, pertaining to emergency plans for sports related injuries, was passed into law. By way of relevant background information, RSA 200:40-c, was created by SB 148 during the 2020-2021 legislative session. Specifically, RSA 200:40-c, required the establishment of an emergency action plan for sports related injuries at all school districts and **non-public schools** which include any of the grades 4 through 12. The plans which are required by this new statute were to be implemented by the start of the 2023-2024 academic year. The Technical Advisory (TA) for SB 148 is available on the Department’s website and is incorporated by reference in this TA.

Overview of RSA 200:40-c (taken from the TA on SB 148)—

By way of brief overview, RSA 200:40-c, requires each school district or each non-public school’s governing body to create an emergency action plan for responding to serious or potentially life-threatening, sports-related injuries. The plan must be posted within each school and provided to and coordinated with emergency medical services (EMS), the local fire department, and local law enforcement. If a school district has a School Resource Officer (SRO), it is suggested that the district work with that individual to fulfill the above-mentioned requirement that the plan be coordinated with the local first responders.

Each plan must include the following items:

- Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity;

- List the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation;
- Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan;
- Identify the activity location, address, or venue for the purpose of directing emergency personnel;
- Identify the equipment and supplies and location thereof needed to respond to the emergency;
- Identify the location of any automated external defibrillators (AEDs) and personnel trained in the use of the automated external defibrillator; and
- Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers' Association.

The emergency action plan for sports related injuries is to be added to each respective school's emergency response plan.

In addition to the items listed above, school districts¹ are further required to adopt procedures for the following issues:

- Obtaining student-participant medical information relative to any injury or illness related to or involving any head, face, or cervical spine, cardiac injury or diagnosis, exertional heat stroke, sickle cell trait, asthma, allergies, or diabetes for each student athlete prior to participation; and
- When students can return to play after a sports or illness-related injury.

Furthermore, school districts are required to adopt policies which pertains to hydration, heat acclimatization and wet bulb globe temperature guidelines as established by the American College of Sports Medicine and the National Athletic Trainers' Association.

These required policies and procedures must be kept on file by each respective district, are to be reviewed annually and updated as necessary, and made available to the Department of Education and the public upon request. Finally, the access, filing, and confidentiality of student-participant medical information must be done in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA).

¹ The second part of RSA 200:40-c, utilizes the term "school district" and does not explicitly include the governing body of non-public schools. Regardless, as a matter of best practices, non-public schools are similarly encouraged to follow the second section of the statute.

Changes Mandated by SB 379—

SB 379 modified the provision related to AEDs in the emergency action plan, as set forth above, to require that if a school has such equipment, that the school will regularly check and maintain the AED according to the manufacturer’s instructions. Furthermore, that at least one AED shall be readily accessible in a well-marked and safe place for use in responding to cardiac emergencies and shall not be locked in an office or be stored in a location that is not easily and quickly accessible. ***This provision of the law becomes effective August 1, 2024.***

Additionally, SB 379 added a requirement to the emergency action plan that for grades 6-12, an individual trained in cardiopulmonary resuscitation must supervise organized school sponsored sports activities. ***This provision of the law becomes effective August 1, 2025.***

As discussed above, the emergency action plan is required to be added to the school’s emergency response plan and the plan and any adopted procedures are to be reviewed on an annual basis. SB 379 modified that current requirement to require that the plan and adopted procedures are to be reviewed and rehearsed annually. ***This provision of the law becomes effective August 1, 2024.***

For questions related to this Technical Advisory, please contact:

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Issued by:	Date Issued:	Supersedes issue dated:	Page X of X
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