

## ConTACT Act of 2009 (Introduced in Senate)

S 2840 IS

111th CONGRESS  
1st Session  
**S. 2840**

To amend title III of the Public Health Service **Act** to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes.

### IN THE SENATE OF THE UNITED STATES

**December 4, 2009**

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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#### A BILL

To amend title III of the Public Health Service **Act** to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This **Act** may be cited as the 'Concussion Treatment and Care Tools **Act** of 2009' or the '**ConTACT Act** of 2009'.

#### SEC. 2. FINDINGS.

Congress finds the following:

- (1) Concussions are mild traumatic brain injuries, the long-term effects of which are not well understood.
- (2) As many as 3.8 million concussions related to sports and recreation are estimated to occur in the United States each year, although reliable data does not exist on the incidence of concussions and second impact syndrome among student athletes.
- (3) There is an increased risk for subsequent brain injuries among persons who have had at least one previous brain injury.
- (4) A repeat concussion, one that occurs before the brain recovers from a previous concussion, can slow recovery or increase the likelihood of having long-term problems.
- (5) In rare cases, repeat concussions can result in second impact syndrome, which can be marked by brain swelling, permanent brain damage, and death.

(6) Recurrent brain injuries and second impact syndrome are highly preventable.

(7) Many national organizations, including the American Academy of Neurology, the National Football League, the American Academy of Family Physicians, and the Brain Injury Association of America, have adopted concussion management guidelines, but multiple directives have created confusion and sparked debate.

### **SEC. 3. CONCUSSION MANAGEMENT GUIDELINES WITH RESPECT TO SCHOOL-AGED CHILDREN.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following:

#### **SEC. 317U. CONCUSSION MANAGEMENT GUIDELINES WITH RESPECT TO SCHOOL-AGED CHILDREN.**

- ^ (a) Concussion Management Guidelines-
  - ^ (1) ESTABLISHMENT- Not later than 2 years after the date of the enactment of this section, the Secretary shall establish concussion management guidelines (hereinafter in this section referred to as the ^ guidelines') that address the prevention, identification, treatment, and management of concussions in school-aged children, including standards for student athletes to return to play after a concussion.
  - ^ (2) CONFERENCE- The Secretary shall convene a conference of medical, athletic, and educational stakeholders for purposes of assisting in the establishment of the guidelines.
- ^ (b) Grants to States-
  - ^ (1) IN GENERAL- After establishing the guidelines, the Secretary may make grants to States for purposes of--
    - ^ (A) adopting, disseminating, and ensuring the implementation by elementary and secondary schools of the guidelines; and
    - ^ (B) funding implementation by elementary and secondary schools of computerized pre-season baseline and post-injury neuropsychological testing for student athletes.
  - ^ (2) GRANT APPLICATIONS-
    - ^ (A) IN GENERAL- To be eligible to receive a grant under this section, the Secretary shall require a State to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.
    - ^ (B) MINIMUM CONTENTS- The Secretary shall require that an application of a State under subparagraph (A) shall contain at a minimum--
      - ^ (i) a description of the strategies the State will use to disseminate and ensure the implementation by elementary and secondary schools of the guidelines, including any strategic partnerships that the State will form; and
      - ^ (ii) an agreement by the State to periodically provide data with respect to the incidence of concussions and second impact syndrome among student athletes in the State.

- ` (3) UTILIZATION OF HIGH SCHOOL SPORTS ASSOCIATIONS AND LOCAL CHAPTERS OF NATIONAL BRAIN INJURY ORGANIZATIONS- In disseminating and ensuring the implementation by elementary and secondary schools of the guidelines pursuant to a grant under this section, the Secretary shall require States to utilize, to the extent practicable, applicable expertise and services offered by high school sports associations and local chapters of national brain injury organizations in such States.
- ` (c) Coordination of Activities- In carrying out activities under this section, the Secretary shall coordinate in an appropriate manner with the heads of other Federal departments and agencies that carry out activities related to concussions and other traumatic brain injuries.
- ` (d) Reports-
  - ` (1) ESTABLISHMENT OF THE GUIDELINES- Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to Congress a report on the implementation of subsection (a).
  - ` (2) GRANT PROGRAM AND DATA COLLECTION- Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to Congress a report on the implementation of subsection (b), including the number of States that have adopted the guidelines, the number of elementary and secondary schools that have implemented computerized pre-season baseline and post-injury neuropsychological testing for student athletes, and the data collected with respect to the incidence of concussions and second impact syndrome among student athletes.
- ` (e) Definitions- In this section, the following definitions apply:
  - ` (1) The term `school-aged child' means an individual who is 5 years of age through 18 years of age.
  - ` (2) The term `second impact syndrome' means catastrophic or fatal events that occur when an individual suffers a concussion while symptomatic and healing from a previous concussion.
  - ` (3) The term `Secretary' means the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention.
  - ` (4) The term `State' means each of the 50 States and the District of Columbia.
  - ` (5) The term `student athlete' means a school-aged child in any of the grades 6th through 12th who participates in a sport through such child's elementary or secondary school.
- ` (f) Authorization of Appropriations- To carry out this section, there is authorized to be appropriated to the Secretary \$5,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.'