

By: Representative Hines

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 35

1 AN ACT TO REQUIRE EVERY UNIVERSITY AND COMMUNITY OR JUNIOR
2 COLLEGE ELIGIBLE FOR A POSTSEASON BOWL GAME, INCLUDING PLAYOFF
3 GAMES, TO ESTABLISH A TRUST FUND INTO WHICH 25% OF ALL REVENUE
4 RECEIVED BY THE UNIVERSITY OR COMMUNITY OR JUNIOR COLLEGE FOR
5 BEING ACCEPTED INTO, PARTICIPATING IN OR WINNING A BOWL GAME SHALL
6 BE PLACED FOR THE PURPOSE OF PROVIDING CHRONIC TRAUMATIC
7 ENCEPHALOPATHY (CTE) SCREENINGS AND OTHER BENEFITS TO STUDENT
8 ATHLETES; TO REQUIRE THE UNIVERSITY OR COMMUNITY OR JUNIOR COLLEGE
9 TO DISTRIBUTE A PRO RATA SHARE OF THE MONIES ACCUMULATED IN THE
10 UNIVERSITY TRUST FUND DURING THE ATHLETE'S ACTIVE ELIGIBILITY
11 PERIOD TO AN INJURED ATHLETE FOR ANY CAREER-ENDING OR
12 LIFE-ALTERING INJURY SUSTAINED WHILE PLAYING THE COVERED SPORT; TO
13 MAKE PROVISIONS FOR THE TRUST FUND TO COVER THE COST OF TRANSFER
14 FEES AND TUITION TO A POSTSECONDARY INSTITUTION OTHER THAN THE
15 INSTITUTION OF CURRENT ENROLLMENT IF NECESSARY; TO MAKE PROVISIONS
16 FOR THE PAYMENT OF FUNDS TO THE BENEFICIARY OR IMMEDIATE NEXT OF
17 KIN OF A STUDENT ATHLETE WHO DIES AS A RESULT OF A SPORT-RELATED
18 INJURY; TO REQUIRE EACH UNIVERSITY AND COMMUNITY OR JUNIOR COLLEGE
19 TO PROVIDE AND REQUIRE EACH STUDENT ATHLETE TO SIGN A DISCLOSURE
20 STATEMENT THAT INFORMS THE STUDENT ATHLETE OF THE INHERENT DANGERS
21 ASSOCIATED WITH HIGH-IMPACT SPORTS AND THE LIMITATION OF LIABILITY
22 FOR WHICH THE UNIVERSITY OR COMMUNITY OR JUNIOR COLLEGE WILL BE
23 HELD RESPONSIBLE IN THE EVENT OF A SPORT-RELATED TRAUMATIC HEAD
24 INJURY; AND FOR RELATED PURPOSES.

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

26 **SECTION 1.** The Legislature finds that university athletes
27 invest much time, effort and focus to their athletic pursuits
28 which may result in the university or community or junior
29 college's invitation and acceptance to a postseason bowl game,



30 including playoff games, earning significant monies for the
31 athlete's institution of higher learning. The Legislature further
32 finds that athletic coaches are compensated generously from the
33 bowl game revenues, whereas the athletes receive much less
34 significant monetary gain from their hard work and dedication to
35 the sport. The Legislature further finds that chronic traumatic
36 encephalopathy (CTE) is a condition characterized by brain
37 degeneration and is associated with repeated head trauma, which
38 has led to behavioral and health problems, as well as death, among
39 a number of players of high-impact sports, such as football,
40 boxing, wrestling, ice hockey and soccer. CTE, a progressive
41 degenerative brain disease, is often found in athletes with a
42 history of repetitive brain trauma. That trauma can be both
43 symptomatic concussions, as well as subconcussive (asymptomatic)
44 hits to the head. Symptoms of CTE include:

- 45 (a) Aggression;
- 46 (b) Confusion;
- 47 (c) Depression or apathy;
- 48 (d) Impulse control issues;
- 49 (e) Memory loss;
- 50 (f) Movement problems (e.g., tremors and stiffness);
- 51 (g) Personality changes;
- 52 (h) Progressive dementia;
- 53 (i) Substance abuse; and
- 54 (j) Suicidal tendencies.



55 Therefore, the Legislature deems it appropriate and proper to
56 establish a funding mechanism to providing appropriate screening
57 and financial assistance to student athletes who sustain traumatic
58 injuries through their participation in high-impact sports at the
59 postsecondary education level.

60 **SECTION 2.** (1) Every university and community or junior
61 college eligible for a postseason bowl game, including playoff
62 games, shall establish and place into an institutional trust fund
63 twenty-five percent (25%) of all revenue received by the
64 university or community or junior college for being accepted into,
65 participating in or winning a bowl game for the purpose of
66 providing chronic traumatic encephalopathy (CTE) screenings and
67 other benefits to student athletes. For purpose of this act the
68 term "chronic traumatic encephalopathy" (CTE) means a degenerative
69 brain disease found in athletes, military veterans and others with
70 a history of repetitive brain trauma, by which a protein known as
71 tau forms clumps that slowly spread throughout the brain, killing
72 brain cells.

73 (2) The monies accumulated in the trust fund during any
74 collegiate athlete's active eligibility period at that university
75 or community or junior college as a team member of any high-impact
76 sport shall be used for the following reasons:

77 (a) To provide annual screenings to student athletes
78 who have suffered one (1) or multiple concussions during



79 authorized and scheduled practices or regulation competition
80 through any of the following methods:

81 (i) A computed tomography (CT) scan of the brain;

82 (ii) A magnetic resonance imaging (MRI) scan or
83 functional magnetic resonance imaging (fMRI) of the brain;

84 (iii) A positron emission tomography (PET) scan or
85 PET/CT of the brain;

86 (iv) Any combination of the tomography or imaging
87 procedures in subparagraphs (i), (ii) or (iii);

88 (v) Neurological exams; or

89 (vi) Clinical mental health assessments.

90 While CTE cannot conclusively be diagnosed until a person is
91 diseased and an autopsy is performed, a thorough understanding of
92 the medical history of the individual through annual mental status
93 assessments, neurological exams, brain imaging and further
94 diagnostic tests may be used to monitor the damage and implication
95 of head trauma sustained by a student athlete who has suffered one
96 (1) or multiple concussions while participating in a collegiate
97 sport's program;

98 (b) To provide financial assistance to a student
99 athlete who suffers a career-ending or life-altering injury as a
100 result of his or her participation on a collegiate athletic team,
101 that is sustained during any authorized and scheduled practices or
102 regulation competition to aid the student receiving the necessary
103 medical care and other accommodation to enable the injured student



104 athlete to maintain a quality of life as a result of diminished
105 earning capacity and loss of potential future earnings. The
106 financial assistance shall also be used, if the injured student
107 athlete chooses to transfer to a different postsecondary
108 institution, to pay the cost of transfer fees and tuition to the
109 postsecondary institution of the student athlete's choice; and

110 (c) In the event of death of a student athlete as the
111 result of an injury sustained in a high-impact sport, to provide
112 payment, in an amount not to exceed One Hundred Thousand Dollars
113 (\$100,000.00), to the named beneficiary or immediate next of kin
114 of the student athlete.

115 (3) Each university and community or junior college shall
116 provide a disclosure statement and require each student athlete
117 who is deemed eligible to participate and participates in a
118 collegiate sport that is considered to be a high-impact sport to
119 sign the appropriate sport's disclosure statement that informs the
120 student athlete of the inherent dangers associated with the sport
121 and the limitation of liability for which the university or
122 community or junior college will be held responsible in the event
123 of a sport-related traumatic head injury as described in this act.

124 **SECTION 3.** This act shall take effect and be in force from
125 and after July 1, 2018.

