Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011

SENATE BILL NO. 2281
(Senators Berry, Flakoll, Schneider)
(Representatives R. Kelsch, Grande, Porter)

AN ACT to create and enact a new section to chapter 15.1-18.2 of the North Dakota Century Code, relating to concussion management program requirements; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

Student athletics - Concussion management program - Requirements.

1. Each school district and nonpublic school that sponsors or sanctions any athletic activity in this state and requires a participating student to regularly practice or train, and compete, is subject to the terms of a concussion management program.

2. The concussion management program must set forth in clear and readily comprehensible language the signs and symptoms of a concussion.

3. The concussion management program must require that an official remove a student from competition and that a student's coach or a student's athletic trainer remove the student from practice, training, or competition if:

   a. The student reports any sign or symptom of a concussion, as set forth in accordance with this section;

   b. The official, coach, or athletic trainer determines that the student exhibits any sign or symptom of a concussion, as set forth in accordance with this section; or

   c. The official, coach, or athletic trainer is notified that the student has reported or exhibited any sign or symptom of a concussion by a licensed, registered, or certified health care provider whose scope of practice includes the recognition of concussion signs and symptoms.

4. The concussion management program must require that any student who is removed in accordance with subsection 3 must be examined as soon as practicable by a licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion.

5. A student who is removed in accordance with subsection 3 may not be allowed to return to practice, training, or competition until the student or the student's parent obtains written authorization from a licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion and provides that authorization to the student's coach or athletic trainer.

6. The concussion management program must require that each official, coach, and athletic trainer receive biennial training regarding the nature and risk of concussion.

7. The student's school district or nonpublic school shall ensure that before a student is allowed to participate in the athletic activity described in subsection 1, the student and the student's parent shall document that they have viewed information regarding concussions incurred by

students participating in athletic activities. The required information must be provided by the student's school district or nonpublic school and must be made available in printed form or in a verifiable electronic format.

8. This section does not create any liability for, or create a cause of action against:

   a. A school district, its officers, or its employees; or

   b. A nonpublic school, its officers, or its employees.

9. A school district or a nonpublic school may contract for and accept gifts, grants, and donations from any public or nonpublic source, in order to meet the requirements of this section.

10. For the purposes of this section, "official" means an umpire, a referee, a judge, or any other individual formally officiating at an athletic event.

SECTION 2. CONCUSSION MANAGEMENT PROGRAMS - LEGISLATIVE MANAGEMENT STUDY. During the 2011-12 biennium, the legislative management shall study concussion management with respect to youth athletics, including the nature, scope, and applicability of programs designed to prevent or eliminate concussions. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2281.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 88	Nays 5	Absent 1

Secretary of the Senate

Received by the Governor at _____M. on _____, 2011.

Approved at _____M. on _____, 2011.

Governor

Filed in this office this _____day of _____, 2011,

at _____ o'clock _____M.

Secretary of State