

Introduced by

1 A BILL for an Act to amend and reenact section 15.1-18.2-04 of the North Dakota Century  
2 Code, relating to concussion management program requirements.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-18.2-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-18.2-04. Student athletics - Concussion management program - Requirements.**

- 7 1. Each school district and nonpublic school that sponsors or sanctions any athletic  
8 activity in this state and requires a participating student to regularly practice or train,  
9 and compete, is subject to the terms of a concussion management program.
- 10 2. The concussion management program must set forth in clear and readily  
11 comprehensible language the signs and symptoms of a concussion.
- 12 3. a. The concussion management program must require that ~~an official remove a~~  
13 ~~student from competition and that a student's coach or a student's athletic trainer~~  
14 ~~remove the~~ a student be removed from practice, training, or competition if:
- 15 a. (1) The student reports any sign or symptom of a concussion, as set forth in  
16 accordance with this section;
- 17 b. (2) ~~The official, coach, or athletic trainer determines that the student exhibits~~  
18 any sign or symptom of a concussion, as set forth in accordance with this  
19 section; or
- 20 e. (3) ~~The official, coach, or athletic trainer is notified that the student has reported~~  
21 ~~or exhibited any sign or symptom of a concussion by a~~ A licensed,  
22 registered, or certified health care provider whose scope of practice includes  
23 the recognition of concussion signs and symptoms determines, after  
24 observing the student, that the student may have a concussion.

- 1           b. The duty to remove a student under the conditions set forth in this subsection  
2           extends to each:  
3           (1) Official;  
4           (2) Coach; and  
5           (3) Individual having direct responsibility for the student during practice,  
6           training, or competition.
- 7       4. a. The concussion management program must require that any student who is  
8           removed in accordance with subsection 3 must be ~~examined~~evaluated as soon  
9           as practicable by ~~a licensed, registered, or certified health care provider whose~~  
10          ~~scope of practice includes the diagnosis and treatment of concussion.;~~  
11          (1) A physician;  
12          (2) A neuropsychologist;  
13          (3) A nurse practitioner;  
14          (4) A physician assistant;  
15          (5) An athletic trainer; or  
16          (6) A physical therapist.
- 17       b. If the individual conducting the evaluation under this subsection determines that  
18          the student may have suffered a concussion, the individual shall consult with the  
19          student's parent to determine an appropriate course of treatment.
- 20       5. a. A student who is removed in accordance with subsection 3 may not be allowed to  
21           return to practice, training, or competition until the ~~student or the student's parent~~  
22           ~~obtains written authorization from a licensed, registered, or certified health care~~  
23           ~~provider whose scope of practice includes the diagnosis and treatment of~~  
24           ~~concussion and provides that authorization to the student's coach or athletic~~  
25           ~~trainer~~student's return is authorized by:  
26           (1) A physician;  
27           (2) A neuropsychologist;  
28           (3) A nurse practitioner;  
29           (4) A physician assistant;  
30           (5) An athletic trainer, after consultation with a physician; or  
31           (6) A physical therapist, after consultation with a physician.

- 1           **b.** The authorization required by this subsection must be:
- 2                   (1) In writing;
- 3                   (2) Presented or forwarded to the individual designated by the student's school
- 4                               district or nonpublic school for receipt of such authorizations; and
- 5                   (3) Retained by the student's school district or school for a period of ten years
- 6                               after conclusion of the student's enrollment.
- 7           6. The concussion management program must require that each official, coach, and
- 8                   athletic trainer individual having direct responsibility for the student during practice,
- 9                   training, or competition receive biennial training regarding the nature and risk of
- 10                   concussion.
- 11           7. The student's school district or nonpublic school shall ensure that before a student is
- 12                   allowed to participate in the athletic activity described in subsection 1, the student and
- 13                   the student's parent shall document that they have viewed information regarding
- 14                   concussions incurred by students participating in athletic activities. The required
- 15                   information must be provided by the student's school district or nonpublic school and
- 16                   must be made available in printed form or in a verifiable electronic format.
- 17           8. This section does not create any liability for, or create a cause of action against:
- 18                   a. A school district, its officers, or its employees; or
- 19                   b. A nonpublic school, its officers, or its employees.
- 20           9. A school district or a nonpublic school may contract for and accept gifts, grants, and
- 21                   donations from any public or nonpublic source, in order to meet the requirements of
- 22                   this section.
- 23           10. For the purposes of this section, "official" means an umpire, a referee, a judge, or any
- 24                   other individual formally officiating at an athletic event.