

Introduced by

Senators Berry, Flakoll, Schneider

Representatives R. Kelsch, Grande, Porter

1 A BILL for an Act to create and enact a new section to chapter 15.1-18.2 ~~and a new section to~~
2 ~~chapter 32-12.1~~ of the North Dakota Century Code, relating to concussion management
3 program requirements.

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

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

7 **Student athletics - Concussion management program - Requirements.**

- 8 1. ~~The superintendent of public instruction shall ensure that any athletic activity that is~~
9 ~~sponsored or sanctioned by a school or school district~~ Each school district that
10 sponsors or sanctions any athletic activity in this state and which requires a
11 participating student to regularly practice or train, and compete, is subject to the terms
12 of a concussion management program.
- 13 2. The concussion management program must:
- 14 a. Define the signs and symptoms of a concussion;
- 15 b. Require that any coach, athletic trainer, or official immediately remove a student
16 from practice, training, or competition if that student exhibits or reports any sign
17 or symptom of a concussion, as defined under this subsection;
- 18 c. Require that any student who is removed in accordance with this subsection
19 must be examined by a physician licensed health care provider as soon as
20 practicable after exhibiting any sign or symptom of a concussion; and
- 21 d. Provide that any student who is removed in accordance with this subsection may
22 be allowed to return to practice, training, or competition only after a
23 physician licensed health care provider provides written authorization for the
24 student's return to the student's coach or athletic trainer; and

1 e. Require that each coach receive biennial training to educate the coach about the
2 nature and risk of concussion, including the risk of play after a concussion or
3 head injury.

4 3. The ~~superintendent of public instruction~~ school district shall ensure that before a
5 student is allowed to participate in the athletic activity, the student and the student's
6 parent or guardian shall document that they have viewed information, made available
7 electronically in written or verifiable electronic form by the student's school or school
8 district, regarding concussions incurred by students participating in athletic activities.

9 4. This section does not create any liability for, or create a cause of action against, a
10 school district, its officers, or its employees.

11 5. To carry out its duties under this section, a school district may contract for and accept
12 private contributions, gifts, and grants, or in-kind aid from the federal government, the
13 state, or any other source.

14 6. For the purposes of this section, "licensed health care provider" means an individual
15 who is registered, licensed, certified, or otherwise statutorily recognized in this state to
16 provide health care services or treatment within the individual's scope of practice and
17 who is trained and experienced in the evaluation, management, and care of
18 concussions.

19 **~~SECTION 2.~~** ~~A new section to chapter 32-12.1 of the North Dakota Century Code is created and~~
20 ~~enacted as follows:~~

21 ~~**Athletic activities – Children – Concussion management program – Requirements.**~~

22 ~~1. If a political subdivision, other than a school district, sponsors or sanctions an athletic~~
23 ~~activity that requires a child under eighteen years of age to pay a fee in order to~~
24 ~~regularly practice or train, and compete, the political subdivision shall ensure that the~~
25 ~~athletic activity is governed by the terms of a concussion management program.~~

26 ~~2. The concussion management program must:~~

27 ~~a. Define the signs and symptoms of a concussion;~~

28 ~~b. Require that any coach, trainer, or official immediately remove a child from~~
29 ~~practice, training, or competition if that child exhibits any sign or symptom of a~~
30 ~~concussion, as defined under this subsection;~~

- 1 ~~c. Require that any child who is removed in accordance with this subsection must~~
2 ~~be examined by a physician as soon as practicable after exhibiting any sign or~~
3 ~~symptom of a concussion; and~~
- 4 ~~d. Provide that any child who is removed in accordance with this subsection may be~~
5 ~~allowed to return to practice, training, or competition only after a physician~~
6 ~~provides written authorization for the child's return to the child's coach or trainer.~~
- 7 ~~3. The political subdivision shall ensure that before a child is allowed to participate in the~~
8 ~~athletic activity, the child and the child's parent shall document that they have viewed~~
9 ~~information, made available electronically by the political subdivision, regarding~~
10 ~~concussions incurred by minors participating in athletic activities.~~