

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2281

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 23-12 of the North Dakota Century Code, relating to concussion management program
3 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. Each school ~~district~~ that sponsors or sanctions any athletic activity in this state and
9 which requires a participating student to regularly practice or train, and compete, is
10 subject to the terms of a concussion management program.
- 11 2. The concussion management program must:
- 12 a. Define the signs and symptoms of a concussion;
- 13 b. Require that any coach, athletic trainer, or official remove a student from practice,
14 training, or competition if ~~that student exhibits or reports any sign or symptom of~~
15 ~~a concussion, as defined under this subsection;~~
- 16 (1) That student reports any defined sign or symptom of a concussion;
- 17 (2) The coach, athletic trainer, or official determines that the student exhibits
18 any defined sign or symptom of a concussion;
- 19 (3) If the coach or official is notified that the student has reported or exhibited
20 any defined sign or symptom of a concussion by:
- 21 (a) A licensed, registered, or certified medical practitioner operating within
22 the individual's scope of practice; or
- 23 (b) Any other licensed, registered, or certified individual whose scope of
24 practice includes the recognition of concussion symptoms;

- 1 c. Require that any student who is removed in accordance with this subsection
2 must be examined by a licensed health care provider as soon as practicable after
3 reporting or exhibiting any sign or symptom of a concussion;
- 4 d. Provide that any student who is removed in accordance with this subsection may
5 be allowed to return to practice, training, or competition only after ~~a licensed~~
6 health care provider provides written authorization for the student's return to the
7 student's coach or athletic trainer; and the student provides to the student's coach
8 or athletic trainer written authorization from a licensed health care provider; and
- 9 e. Require that each coach or official receive biennial training ~~to educate the coach~~
10 about regarding the nature and risk of concussion, including the risk of play after a
11 concussion or head injury.
- 12 3. The school ~~district~~ shall ensure that before a student is allowed to participate in the
13 athletic activity, the student and the student's parent or guardian shall document that
14 they have viewed information, made available in written or verifiable electronic form by
15 the student's school or school district, regarding concussions incurred by students
16 participating in athletic activities.
- 17 4. This section does not create any liability for, or create a cause of action against, a
18 school ~~district~~, its officers, or its employees.
- 19 5. To carry out its duties under this section, a school ~~district~~ may contract for and accept
20 private contributions, gifts, and grants, or in-kind aid from the federal government, the
21 state, or any other source.
- 22 6. For the purposes of this section, "licensed health care provider" means an individual
23 who is registered, licensed, certified, or otherwise statutorily recognized in this state to
24 provide health care services or treatment within the individual's scope of practice ~~and~~
25 who is trained and experienced in the evaluation, management, and care of
26 concussions.

27 **SECTION 2.** A new section to chapter 23-12 of the North Dakota Century Code is created
28 and enacted as follows:

29 **Athletic activities - Children - Concussion management program - Requirements.**

1. Each person sponsoring or sanctioning an athletic activity that requires a child under the age of eighteen to pay a fee in order to regularly practice or train and compete is subject to the terms of a concussion management program.
2. The concussion management program must:
 - a. Define the signs and symptoms of a concussion;
 - b. Provide that a coach, athletic trainer, or official shall remove a student from practice, training, or competition if:
 - (1) That child reports any defined sign or symptom of a concussion;
 - (2) The coach, athletic trainer, or official determines that the child exhibits any defined sign or symptom of a concussion;
 - (3) If the coach or official is notified that the child has reported or exhibited any listed sign or symptom of a concussion by:
 - (a) A licensed, registered, or certified medical practitioner operating within the individual's scope of practice; or
 - (b) Any other licensed, registered, or certified individual whose scope of practice includes the recognition of concussion symptoms;
 - c. Require that any child who is removed in accordance with this subsection must be examined by a licensed health care provider as soon as practicable after reporting or exhibiting any listed sign or symptom of a concussion;
 - d. Provide that any child who is removed in accordance with this subsection may be allowed to return to practice, training, or competition only after the child provides to the child's coach or athletic trainer written authorization from a licensed health care provider; and
 - e. Require that each coach receive biennial training to educate the coach about the nature and risk of concussion, including the risk of play after a concussion or head injury.
3. The sponsoring body of the activity shall ensure that before a child is allowed to participate, the child and the child's parent or guardian shall document that they have viewed information, made available in written or verifiable electronic form by the activity's sponsoring body, regarding concussions incurred by children participating in athletic activities.

- 1 4. This section does not create any liability for, or create a cause of action against, the
2 sponsoring body of an activity.
- 3 5. To carry out its duties under this section, the sponsoring body of an activity may
4 contract for and accept private contributions, gifts, and grants, or in-kind aid from the
5 federal government, the state, or any source.
- 6 6. For the purpose of this section, "licensed health care provider" means an individual
7 who is registered, licensed, certified, or otherwise statutorily recognized in this state to
8 provide health care services or treatment within the individual's scope of practice.
- 9 7. This section does not apply to schools that are governed by section 1 of this Act or to
10 any other political subdivision.