

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 of the North Dakota~~
2 ~~Century Code, relating to concussion management program requirements.~~ for an Act to create
3 and enact a new section to chapter 15.1-18.2 of the North Dakota Century Code, relating to
4 concussion management program requirements; and to provide for a legislative management
5 study.

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

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

9 ~~**Student athletics - Concussion management program - Requirements.**~~

10 ~~1. Each school district that sponsors or sanctions any athletic activity in this state and~~
11 ~~which requires a participating student to regularly practice or train, and compete, is~~
12 ~~subject to the terms 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 remove a student from practice,~~
16 ~~training, or competition if that student exhibits or reports any sign or symptom of~~
17 ~~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 licensed health care provider as soon as practicable after~~
20 ~~exhibiting any sign or symptom of a concussion;~~

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 licensed~~
23 ~~health care provider provides written authorization for the student's return to the~~
24 ~~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 school district shall ensure that before a student is allowed to participate in the~~
5 ~~athletic activity, the student and the student's parent or guardian shall document that~~
6 ~~they have viewed information, made available in written or verifiable electronic form by~~
7 ~~the student's school or school district, regarding concussions incurred by students~~
8 ~~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 1.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is
20 created and enacted as follows:

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

- 22 1. Each school district and nonpublic school that sponsors or sanctions any athletic
23 activity in this state and requires a participating student to regularly practice or train,
24 and compete, is subject to the terms of a concussion management program.
- 25 2. The concussion management program must set forth in clear and readily
26 comprehensible language the signs and symptoms of a concussion.
- 27 3. The concussion management program must require that an official remove a student
28 from competition and that a student's coach or a student's athletic trainer remove the
29 student from practice, training, or competition if:
- 30 a. The student reports any sign or symptom of a concussion, as set forth in
31 accordance with this section;

1 b. The official, coach, or athletic trainer determines that the student exhibits any
2 sign or symptom of a concussion, as set forth in accordance with this section; or
3 c. The official, coach, or athletic trainer is notified that the student has reported or
4 exhibited any sign or symptom of a concussion by a licensed, registered, or
5 certified health care provider whose scope of practice includes the recognition of
6 concussion signs and symptoms.

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

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

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

18 7. The student's school district or nonpublic school shall ensure that before a student is
19 allowed to participate in the athletic activity described in subsection 1, the student and
20 the student's parent shall document that they have viewed information regarding
21 concussions incurred by students participating in athletic activities. The required
22 information must be provided by the student's school district or nonpublic school and
23 must be made available in printed form or in a verifiable electronic format.

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

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

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

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

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

1 | **SECTION 2. CONCUSSION MANAGEMENT PROGRAMS - LEGISLATIVE**

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