

**FIRST ENGROSSMENT
with House Amendments
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 that sponsors or sanctions any athletic activity in this state and which
9 requires a participating student to regularly practice or train and compete, is subject to
10 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:
- 15 (1) That student reports any defined sign or symptom of a concussion;
- 16 (2) The coach, athletic trainer, or official determines that the student exhibits
17 any defined sign or symptom of a concussion;
- 18 (3) If the coach or official is notified that the student has reported or exhibited
19 any defined sign or symptom of a concussion by:
- 20 (a) A licensed, registered, or certified medical practitioner operating within
21 the individual's scope of practice; or
- 22 (b) Any other licensed, registered, or certified individual whose scope of
23 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 the student
6 provides to the student's coach or athletic trainer written authorization from a
7 licensed health care provider; and
- 8 e. Require that each coach or official receive biennial training regarding the nature
9 and risk of concussion, including the risk of play after a concussion or head injury.
- 10 3. The school shall ensure that before a student is allowed to participate in the athletic
11 activity, the student and the student's parent or guardian shall document that they
12 have viewed information, made available in written or verifiable electronic form by the
13 student's school or school district, regarding concussions incurred by students
14 participating in athletic activities.
- 15 4. This section does not create any liability for, or create a cause of action against, a
16 school, its officers, or its employees.
- 17 5. To carry out its duties under this section, a school may contract for and accept private
18 contributions, gifts, and grants, or in-kind aid from the federal government, the state, or
19 any other source.
- 20 6. For the purposes of this section, "licensed health care provider" means an individual
21 who is registered, licensed, certified, or otherwise statutorily recognized in this state to
22 provide health care services or treatment within the individual's scope of practice.

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

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

- 26 1. Each person sponsoring or sanctioning an athletic activity that requires a child under
27 the age of eighteen to pay a fee in order to regularly practice or train and compete is
28 subject to the terms of a concussion management program.
- 29 2. The concussion management program must:
- 30 a. Define the signs and symptoms of a concussion;

- 1 b. Provide that a coach, athletic trainer, or official shall remove a student from
2 practice, training, or competition if:
3 (1) That child reports any defined sign or symptom of a concussion;
4 (2) The coach, athletic trainer, or official determines that the child exhibits any
5 defined sign or symptom of a concussion;
6 (3) If the coach or official is notified that the child has reported or exhibited any
7 listed sign or symptom of a concussion by:
8 (a) A licensed, registered, or certified medical practitioner operating within
9 the individual's scope of practice; or
10 (b) Any other licensed, registered, or certified individual whose scope of
11 practice includes the recognition of concussion symptoms;
12 c. Require that any child who is removed in accordance with this subsection must
13 be examined by a licensed health care provider as soon as practicable after
14 reporting or exhibiting any listed sign or symptom of a concussion;
15 d. Provide that any child who is removed in accordance with this subsection may be
16 allowed to return to practice, training, or competition only after the child provides
17 to the child's coach or athletic trainer written authorization from a licensed health
18 care provider; and
19 e. Require that each coach receive biennial training to educate the coach about the
20 nature and risk of concussion, including the risk of play after a concussion or
21 head injury.
22 3. The sponsoring body of the activity shall ensure that before a child is allowed to
23 participate, the child and the child's parent or guardian shall document that they have
24 viewed information, made available in written or verifiable electronic form by the
25 activity's sponsoring body, regarding concussions incurred by children participating in
26 athletic activities.
27 4. This section does not create any liability for, or create a cause of action against, the
28 sponsoring body of an activity.
29 5. To carry out its duties under this section, the sponsoring body of an activity may
30 contract for and accept private contributions, gifts, and grants, or in-kind aid from the
31 federal government, the state, or any source.

- 1 6. For the purpose of this section, "licensed health care provider" means an individual
2 who is registered, licensed, certified, or otherwise statutorily recognized in this state to
3 provide health care services or treatment within the individual's scope of practice.
- 4 7. This section does not apply to schools that are governed by section 1 of this Act or to
5 any other political subdivision.