

**FIRST ENGROSSMENT
with Conference Committee 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 of the North Dakota
2 Century Code, relating to concussion management program requirements; and to provide for a
3 legislative management study.

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

- 1 4. The concussion management program must require that any student who is removed
2 in accordance with subsection 3 must be examined as soon as practicable by a
3 licensed, registered, or certified health care provider whose scope of practice includes
4 the diagnosis and treatment of concussion.
- 5 5. A student who is removed in accordance with subsection 3 may not be allowed to
6 return to practice, training, or competition until the student or the student's parent
7 obtains written authorization from a licensed, registered, or certified health care
8 provider whose scope of practice includes the diagnosis and treatment of concussion
9 and provides that authorization to the student's coach or athletic trainer.
- 10 6. The concussion management program must require that each official, coach, and
11 athletic trainer receive biennial training regarding the nature and risk of concussion.
- 12 7. The student's school district or nonpublic school shall ensure that before a student is
13 allowed to participate in the athletic activity described in subsection 1, the student and
14 the student's parent shall document that they have viewed information regarding
15 concussions incurred by students participating in athletic activities. The required
16 information must be provided by the student's school district or nonpublic school and
17 must be made available in printed form or in a verifiable electronic format.
- 18 8. This section does not create any liability for, or create a cause of action against:
19 a. A school district, its officers, or its employees; or
20 b. A nonpublic school, its officers, or its employees.
- 21 9. A school district or a nonpublic school may contract for and accept gifts, grants, and
22 donations from any public or nonpublic source, in order to meet the requirements of
23 this section.
- 24 10. For the purposes of this section, "official" means an umpire, a referee, a judge, or any
25 other individual formally officiating at an athletic event.

26 **SECTION 2. CONCUSSION MANAGEMENT PROGRAMS - LEGISLATIVE**

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