

**HOUSE BILL NO. 1028**

Introduced by

Legislative Management

(Education Funding and Taxation Committee)

1 A BILL for an Act to amend and reenact section 15.1-18.2-04 of the North Dakota Century  
2 Code, relating to concussion management program requirements.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-18.2-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-18.2-04. Student athletics - Concussion management program - Requirements.**

- 7 1. Each school district and nonpublic school that sponsors or sanctions any athletic  
8 activity in this state and requires a participating student to regularly practice or train,  
9 and compete, is subject to the terms of a concussion management program.
- 10 2. The concussion management program must set forth in clear and readily  
11 comprehensible language the signs and symptoms of a concussion.
- 12 3. a. The concussion management program must require that ~~an official remove a~~  
13 ~~student from competition and that a student's coach or a student's athletic trainer~~  
14 ~~remove the~~ a student be removed from practice, training, or competition if:
- 15 a. (1) The student reports any sign or symptom of a concussion, as set forth in  
16 accordance with this section;
- 17 b. (2) ~~The official, coach, or athletic trainer determines that the student exhibits~~  
18 any sign or symptom of a concussion, as set forth in accordance with this  
19 section; or
- 20 e. (3) ~~The official, coach, or athletic trainer is notified that the student has reported~~  
21 ~~or exhibited any sign or symptom of a concussion by a~~ A licensed,  
22 registered, or certified health care provider whose scope of practice includes  
23 the recognition of concussion signs and symptoms determines, after  
24 observing the student, that the student may have a concussion.

- 1           b. The duty to remove a student under the conditions set forth in this subsection  
2           extends to:  
3           (1) Each official;  
4           (2) The coach of a student; and  
5           (3) Each individual having direct responsibility for the student during practice,  
6           training, or competition.
- 7           4. The concussion management program must require that any student who is removed  
8           in accordance with subsection 3 must be ~~examined~~evaluated as soon as practicable  
9           by a licensed, ~~registered, or certified~~ health care provider ~~whose~~who is acting within  
10          the provider's scope of practice includes and trained in the diagnosis and  
11          treatmentevaluation and management of concussion.
- 12          5. a. A student who is removed~~evaluated~~ in accordance with subsection ~~34~~ and  
13          believed to have suffered a concussion may not be allowed to return to practice,  
14          training, or competition until the student ~~or the student's parent obtains written~~  
15          authorization from a licensed, ~~registered, or certified~~ health care provider whose  
16          scope of practice includes ~~the diagnosis and treatment of concussion and~~  
17          provides that authorization to the student's coach or athletic trainer~~student's~~  
18          return is authorized by a licensed health care provider who meets the criteria set  
19          forth in subsection 4.
- 20          b. The authorization required by this subsection must be:  
21          (1) In writing;  
22          (2) Presented or forwarded to the individual designated by the student's school  
23          district or nonpublic school for receipt of such authorizations; and  
24          (3) Retained by the student's school district or school for a period of seven  
25          years after conclusion of the student's enrollment.
- 26          6. The concussion management program must require that each official, coach, and  
27          ~~athletic trainer~~individual having direct responsibility for the student during practice,  
28          training, or competition receive biennial training regarding the nature and risk of  
29          concussion.
- 30          7. The student's school district or nonpublic school shall ensure that before a student is  
31          allowed to participate in the athletic activity described in subsection 1, the student and

- 1           the student's parent shall document that they have viewed information regarding  
2           concussions incurred by students participating in athletic activities. The required  
3           information must be provided by the student's school district or nonpublic school and  
4           must be made available in printed form or in a verifiable electronic format.
- 5        8.   This section does not create any liability for, or create a cause of action against:
- 6           a.   A school district, its officers, or its employees; or  
7           b.   A nonpublic school, its officers, or its employees.
- 8        9.   A school district or a nonpublic school may contract for and accept gifts, grants, and  
9           donations from any public or nonpublic source, in order to meet the requirements of  
10          this section.
- 11       10.  For the purposes of this section, "official" means an umpire, a referee, a judge, or any  
12          other individual formally officiating at an athletic event.