

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1028  
(Legislative Management)  
(Education Funding and Taxation Committee)

AN ACT to amend and reenact section 15.1-18.2-04 of the North Dakota Century Code, relating to concussion management program requirements.

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

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

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

1. Each school district and nonpublic school that sponsors or sanctions any athletic activity in this state and requires a participating student to regularly practice or train, and compete, is subject to the terms of a concussion management program.
2. The concussion management program must set forth in clear and readily comprehensible language the signs and symptoms of a concussion.
3.
  - a. ~~The concussion management program must require that an official remove a student from competition and that a student's coach or a student's athletic trainer remove the student~~ be removed from practice, training, or competition if:
    - a. ~~(1)~~ (1) The student reports any sign or symptom of a concussion, as set forth in accordance with this section;
    - b. ~~(2)~~ (2) The ~~official, coach, or athletic trainer determines that the student exhibits any sign or symptom of a concussion, as set forth in accordance with this section; or~~
    - e. ~~(3)~~ (3) ~~The official, coach, or athletic trainer is notified that the student has reported or exhibited any sign or symptom of a concussion by a~~ licensed, registered, or certified health care provider whose scope of practice includes the recognition of concussion signs and symptoms determines, after observing the student, that the student may have a concussion.
  - b. The duty to remove a student under the conditions set forth in this subsection extends to:
    - (1) Each official;
    - (2) The coach of a student; and
    - (3) Any other individual designated by the school district or nonpublic school as having direct responsibility for the student during practice, training, or competition.
4. The concussion management program must require that any student who is removed in accordance with subsection 3 must be ~~examined~~evaluated as soon as practicable by a licensed, registered, or certified health care provider ~~whose who is acting within the provider's scope of practice includes and trained in the diagnosis and treatment~~evaluation and management of concussion, as determined by the provider's licensing board.
5.
  - a. A student who is ~~removed~~evaluated in accordance with subsection 3 ~~and believed to have suffered a concussion~~ may not be allowed to return to practice, training, or competition until the student or the student's parent obtains written authorization from a

~~licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion and provides that authorization to the student's coach or athletic trainer~~student's return is authorized by a licensed health care provider who meets the criteria set forth in subsection 4.

- b. The authorization required by this subsection must be:
  - (1) In writing;
  - (2) Presented or forwarded to the individual designated by the student's school district or nonpublic school for receipt of such authorizations; and
  - (3) Retained by the student's school district or school for a period of seven years after conclusion of the student's enrollment.
- c. Any health care provider who signs an authorization in accordance with this section is acknowledging that the provider is acting within the provider's scope of practice and is trained in the evaluation and management of concussion, as determined by the provider's licensing board.
6. The concussion management program must require that each official, coach, and athletic trainerindividual designated by the school district or nonpublic school as having direct responsibility for the student during practice, training, or competition receive biennial training regarding the nature and risk of concussion.
7. The student's school district or nonpublic school shall ensure that before a student is allowed to participate in the athletic activity described in subsection 1, the student and the student's parent shall document that they have viewed information regarding concussions incurred by students participating in athletic activities. The required information must be provided by the student's school district or nonpublic school and must be made available in printed form or in a verifiable electronic format.
8. This section does not create any liability for, or create a cause of action against:
  - a. A school district, its officers, or its employees; ~~or~~
  - b. A nonpublic school, its officers, or its employees; or
  - c. An official.
9. A school district or a nonpublic school may contract for and accept gifts, grants, and donations from any public or nonpublic source, in order to meet the requirements of this section.
10. For the purposes of this section, "official" means an umpire, a referee, a judge, or any other individual formally officiating at an athletic event.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1028.

House Vote:    Yeas 91            Nays 0            Absent 3

Senate Vote:    Yeas 47            Nays 0            Absent 0

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State