

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~~ 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.