

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4003

(SENATE AUTHORS: DZIEDZIC, Torres Ray, Clausen and Housley)

DATE
03/05/2020

D-PG

Introduction and first reading
Referred to E-12 Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to education; requiring concussion and sudden cardiac arrest information
 1.3 and training for student athletes; amending Minnesota Statutes 2018, sections
 1.4 121A.37; 121A.38; 128C.02, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 121A.37, is amended to read:

1.7 **121A.37 YOUTH SPORTS PROGRAMS.**

1.8 Subdivision 1. Providing accessible information. ~~(a)~~ Consistent with section 121A.38,
 1.9 any municipality, business, or nonprofit organization that organizes a youth athletic activity
 1.10 for which an activity fee is charged ~~shall:~~

1.11 ~~(i)~~ must make information accessible to all participating coaches, officials, and youth
 1.12 athletes and their parents or guardians about the nature and risks of concussions, ~~including~~
 1.13 and sudden cardiac arrest.

1.14 Subd. 2. Concussion information and training. ~~(a)~~ Concussion information must
 1.15 include the effects and risks of continuing to play after receiving a concussion, and the
 1.16 protocols and content, consistent with current medical knowledge from the Centers for
 1.17 Disease Control and Prevention, related to:

1.18 ~~(i)~~ (1) the nature and risks of concussions associated with athletic activity;

1.19 ~~(ii)~~ (2) the signs, symptoms, and behaviors consistent with a concussion;

1.20 ~~(iii)~~ (3) the need to alert appropriate medical professionals for urgent diagnosis and
 1.21 treatment when a youth athlete is suspected or observed to have received a concussion; and

2.1 ~~(iv)~~ (4) the need for a youth athlete who sustains a concussion to follow proper medical
 2.2 direction and protocols for treatment and returning to play; ~~and~~.

2.3 ~~(2)~~ (b) A municipality, business, or nonprofit organization that organizes a youth athletic
 2.4 activity for which a fee is charged must require all participating coaches and officials to
 2.5 receive initial online training and online training at least once every three calendar years
 2.6 thereafter, consistent with ~~clause (1)~~ paragraph (a) and the Concussion in Youth Sports
 2.7 online training program available on the Centers for Disease Control and Prevention website.

2.8 **Subd. 3. Sudden cardiac arrest information and training.** (a) The commissioner of
 2.9 health, in consultation with the commissioner of education, must identify and post to its
 2.10 website, information on the nature and warning signs of sudden cardiac arrest for youth
 2.11 athletes. The information may link to third party online training and must include the rules
 2.12 associated with continuing to play or practice after experiencing symptoms associated with
 2.13 sudden cardiac arrest, including fainting or seizures during exercise, unexplained shortness
 2.14 of breath, chest pains, dizziness, racing heart rate, or extreme fatigue. In developing the
 2.15 materials required under this paragraph, the commissioner of health may utilize, at no cost
 2.16 to the state, an educational video created by Simon's Fund for the purpose of educating
 2.17 coaches about sudden cardiac arrest.

2.18 (b) A municipality, business, or nonprofit organization that organizes a youth athletic
 2.19 activity for which a fee is charged must require all participating coaches and officials to
 2.20 complete initial online training upon starting coaching or officiating and subsequent online
 2.21 training at least once every three calendar years thereafter consistent with the information
 2.22 in paragraph (a).

2.23 **Subd. 4. Removal from participation.** ~~(b)~~ (a) A coach or official shall ~~must~~ remove a
 2.24 youth athlete from participating in any youth athletic activity when the youth athlete:

2.25 (1) exhibits signs, symptoms, or behaviors consistent with a concussion; ~~or~~

2.26 (2) is suspected of sustaining a concussion; ~~or~~

2.27 (3) passes out or faints while participating in or immediately after participating in the
 2.28 athletic activity in a manner that the coach or official believes may be symptomatic of
 2.29 sudden cardiac arrest.

2.30 (b) A coach or official who observes a youth athlete exhibiting any of the symptoms in
 2.31 subdivision 3, paragraph (a), or other symptoms of cardiac arrest must notify the parent or
 2.32 guardian of the student so that the parent or guardian can determine what, if any, treatment
 2.33 to seek for the student.

3.1 Subd. 5. Return to activities; concussion. (e) When a coach or official removes a youth
 3.2 athlete from participating in a youth athletic activity because of a concussion, the youth
 3.3 athlete may not again participate in the activity until the youth athlete:

3.4 (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and

3.5 (2) is evaluated by a provider trained and experienced in evaluating and managing
 3.6 concussions and the provider gives the youth athlete written permission to again participate
 3.7 in the activity.

3.8 Subd. 6. Return to activities; potential sudden cardiac arrest event. When a coach
 3.9 or official removes a youth athlete who has passed out or fainted from participating in a
 3.10 youth athletic activity, the youth athlete may not again participate in the activity until a
 3.11 provider trained and experienced in evaluating sudden cardiac arrest gives the youth athlete
 3.12 written permission to again participate in the activity.

3.13 Subd. 7. Immunity from liability. ~~(d)~~ Failing to remove a youth athlete from an activity
 3.14 under this section does not violate section 604A.11, subdivision 2, clause (6), consistent
 3.15 with paragraph (e).

3.16 Subd. 8. New liability; new legal cause of action. (e) This section does not create any
 3.17 additional liability for, or create any new cause of legal action against, a municipality,
 3.18 business, or nonprofit organization or any officer, employee, or volunteer of a municipality,
 3.19 business, or nonprofit organization.

3.20 ~~(f) For the purposes of this section, a municipality means a home rule charter city, a~~
 3.21 ~~statutory city, or a town.~~

3.22 Sec. 2. Minnesota Statutes 2018, section 121A.38, is amended to read:

3.23 **121A.38 SCHOOL-SPONSORED SPORTS; CONCUSSION AND SUDDEN**
 3.24 **CARDIAC EVENT PROCEDURES.**

3.25 Subdivision 1. **Definitions.** (a) For purposes of this section and section 121A.37, the
 3.26 following terms have the meanings given them.

3.27 (b) "Concussion" means a complex pathophysiological process affecting the brain,
 3.28 induced by traumatic biokinetic forces caused by a direct blow to either the head, face, or
 3.29 neck, or elsewhere on the body with an impulsive force transmitted to the head, that may
 3.30 involve the rapid onset of short-lived impairment of neurological function and clinical
 3.31 symptoms, loss of consciousness, or prolonged postconcussive symptoms.

3.32 (c) "Provider" means a health care provider who is:

4.1 (1) registered, licensed, certified, or otherwise statutorily authorized by the state to
 4.2 provide medical treatment;

4.3 (2)(i) in the case of concussions, trained and experienced in evaluating and managing
 4.4 pediatric concussions, and (ii) in the case of a potential sudden cardiac arrest event, trained
 4.5 and experienced in evaluating the nature and warning signs of sudden cardiac arrest; and

4.6 (3) practicing within the person's medical training and scope of practice.

4.7 (d) "Youth athlete" means a young person through age 18 who actively participates in
 4.8 an athletic activity, including a sport.

4.9 (e) "Youth athletic activity" means any sport or other athletic activity related to
 4.10 competition, practice, or training exercises which is intended for youth athletes and at which
 4.11 a coach or official is present in an official capacity as a coach or official. For purposes of
 4.12 school-sponsored sports under this section, youth athletic activities are extracurricular
 4.13 athletic activities.

4.14 (f) "Municipality" means a home rule charter city, a statutory city, or a town.

4.15 Subd. 2. ~~School-sponsored sports~~ **Concussion information and training.** (a) The
 4.16 appropriate sports governing body, including the high school league under chapter 128C,
 4.17 among other sports governing bodies, shall work with public and nonpublic school coaches,
 4.18 officials, and youth athletes and their parents or guardians to make information available
 4.19 about the nature and risks of concussions, including the effects of continuing to play after
 4.20 receiving a concussion. The information shall include protocols and content, consistent with
 4.21 current medical knowledge from the Centers for Disease Control and Prevention, related
 4.22 to:

4.23 (1) the nature and risks of concussions associated with athletic activity;

4.24 (2) the signs, symptoms, and behaviors consistent with a concussion;

4.25 (3) the need to alert appropriate medical professionals for urgent diagnosis and treatment
 4.26 when a youth athlete is suspected or observed to have received a concussion; and

4.27 (4) the need for a youth athlete who sustains a concussion to follow proper medical
 4.28 direction and protocols for treatment and returning to play.

4.29 A sports governing body that posts or provides appropriate links to the information
 4.30 indicated in this paragraph has complied with the requirements of this paragraph.

4.31 (b) Consistent with paragraph (a), the appropriate sports governing body shall provide
 4.32 access to the Concussion in Youth Sports online training program available on the Centers

5.1 for Disease Control and Prevention website. Each school coach and official involved in
 5.2 youth athletic activities must receive initial online training and online training at least once
 5.3 every three school years thereafter.

5.4 (c) At the start of each school year, school officials shall make information available
 5.5 about the nature and risks of concussions to youth athletes and their parents or guardians.
 5.6 If a parent of a youth athlete must sign a consent form to allow the youth athlete to participate
 5.7 in a school-sponsored athletic activity, the form must include information about the nature
 5.8 and risk of concussions.

5.9 **Subd. 3. Sudden cardiac arrest information and training.** (a) The appropriate sports
 5.10 governing body, including the high school league under chapter 128C, among other sports
 5.11 governing bodies, must work with public and nonpublic school coaches, officials, and youth
 5.12 athletes and their parents or guardians to make information available about sudden cardiac
 5.13 arrest. The appropriate sports governing body may provide links to the sudden cardiac arrest
 5.14 information and training placed on the Department of Health's website or by third parties,
 5.15 including the National Federation of State High School Associations.

5.16 (b) Each school coach and official involved in youth athletic activities must complete
 5.17 initial online training upon starting coaching or officiating and subsequent online training
 5.18 at least once every three years thereafter. Consistent with paragraph (a), the appropriate
 5.19 sports governing body must establish minimum penalties for a coach or school official who
 5.20 does not complete the required training.

5.21 (c) At the start of each school year, school officials must make information available
 5.22 about the nature and warning signs of sudden cardiac arrest to youth athletes and their
 5.23 parents or guardians. If a parent or guardian of a youth athlete must sign a consent form to
 5.24 allow the youth athlete to participate in a school-sponsored athletic activity, the form must
 5.25 include information about the nature of sudden cardiac arrest.

5.26 **Subd. 4. Removal from participation.** ~~(d)~~ A coach or official shall must remove a youth
 5.27 athlete from participating in any youth athletic activity when the youth athlete:

5.28 (1) exhibits signs, symptoms, or behaviors consistent with a concussion; ~~or~~

5.29 (2) is suspected of sustaining a concussion; or

5.30 (3) passes out or faints while participating in or immediately after participating in the
 5.31 athletic activity in a manner that the coach or official believes may be symptomatic of
 5.32 sudden cardiac arrest.

6.1 Subd. 5. Return to activities; concussion. ~~(e)~~ When a coach or official removes a youth
6.2 athlete from participating in a youth athletic activity because of a concussion, the youth
6.3 athlete may not return to the activity until the youth athlete:

6.4 (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and

6.5 (2) is evaluated by a provider trained and experienced in evaluating and managing
6.6 concussions and the provider gives the youth athlete written permission to again participate
6.7 in the activity.

6.8 Subd. 6. Return to activities; potential cardiac event. When a coach or official removes
6.9 a youth athlete who has passed out or fainted from participating in a youth athletic activity,
6.10 the youth athlete may not again participate in the activity until a provider trained and
6.11 experienced in evaluating sudden cardiac arrest gives the youth athlete written permission
6.12 to again participate in the activity.

6.13 Subd. 7. Immunity from liability. ~~(f)~~ Failing to remove a youth athlete from an activity
6.14 as required under this section does not violate section 604A.11, subdivision 2, clause (6),
6.15 consistent with paragraph (g).

6.16 Subd. 8. New liability; new cause of legal action. ~~(g)~~ This section does not create any
6.17 additional liability for, or create any new cause of legal action against, a school or school
6.18 district or any officer, employee, or volunteer of a school or school district.

6.19 Sec. 3. Minnesota Statutes 2018, section 128C.02, is amended by adding a subdivision to
6.20 read:

6.21 Subd. 3c. Sudden cardiac events; awareness, safety, and protection. The league may
6.22 adopt a sudden cardiac arrest awareness, safety, and protection policy that exceeds the
6.23 requirements of section 121A.38.