

2010 -- H 7036

LC00062

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION

Introduced By: Representatives Gallison, McNamara, A Rice, Martin, and Azzinaro

Date Introduced: January 07, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
2 by adding thereto the following chapter:

3 CHAPTER 90

4 SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT

5 **16-90-1. Findings of fact.** – The general assembly hereby finds and declares: (1)  
6 Concussions are one of the most commonly reported injuries in children and adolescents who  
7 participate in sports and recreational activities. A concussion is caused by a blow or motion to the  
8 head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic  
9 injuries or death is significant when a concussion or head injury is not properly evaluated and  
10 managed.

11 (2) Concussions are a type of brain injury that can range from mild to severe and can  
12 disrupt the way the brain normally works. Concussions can occur in any organized or  
13 unorganized sport or recreational activity and can result from a fall or from players colliding with  
14 each other, the ground, or with obstacles. Concussions occur with or without loss of  
15 consciousness, but the vast majority occurs without loss of consciousness.

16 (3) Continuing to play with a concussion or symptoms of a head injury leaves the young  
17 athlete especially vulnerable to greater injury and even death. The general assembly also  
18 recognizes that, despite having generally recognized return to play standards for concussion and  
19 head injury, some affected youth athletes are prematurely returned to play resulting in actual or

1 potential physical injury or death to youth athletes in the State of Rhode Island.

2 **16-90-2. School district’s guidelines to be developed and implemented.** – (a) Each  
3 school district shall work in consort with the Rhode Island interscholastic league to develop and  
4 implement guidelines and other pertinent information and forms to inform and educate coaches,  
5 youth athletes, and their parents and/or guardians of the nature and risk of concussion and head  
6 injury including continuing to play after concussion or head injury. A concussion and head injury  
7 information sheet shall be signed and returned by the youth athlete and the athlete’s parent and/or  
8 guardian prior to the youth athlete’s return to practice or competition.

9 (b) A youth athlete who is suspected of sustaining a concussion or head injury in a  
10 practice or game shall be removed from competition at that time.

11 (c) A youth athlete who has been removed from play may not return to play until the  
12 athlete is evaluated by a licensed health care provider trained in the evaluation and management  
13 of concussions and head injuries and receives written clearance to return to play from that health  
14 care provider.

15 **16-90-3. Limitation of liability for concussion injuries.** – (a) A school district and/or a  
16 private nonprofit youth group shall not be liable for an injury to or the death of a person due to  
17 action or inaction of persons employed by, or under contract with, a youth program, if:

18 (1) The action or inaction takes place on school property and during the delivery of  
19 services of the youth program;

20 (2) The private nonprofit youth group provides proof of being insured, under an accident  
21 and liability policy issued by an insurance company authorized to do business in this state, that  
22 covers any injury or damage arising from delivery of its services. Coverage for a policy meeting  
23 the requirements of this section must be at least fifty thousand dollars (\$50,000) due to bodily  
24 injury or death of one person, and at least one hundred thousand dollars (\$100,000) due to bodily  
25 injury or death of two (2) or more persons in any incident. The private nonprofit youth group  
26 shall also provide a statement of compliance with the policies for the management of concussion  
27 and head injury in youth sports as set forth in section 16-90-1; and

28 (3) The group provides proof of such insurance before the first use of the school facilities.  
29 The immunity granted shall last only as long as the insurance remains in effect.

30 (b) As used in this section, the term “youth sports programs” means and includes any  
31 program organized for recreational athletic competition and/or instruction, and whose participants  
32 are: (1) Nineteen (19) years of age or younger; or (2) Physically or mentally disabled, regardless  
33 of age.

34 (c) This chapter shall not impair or limit the ability of any person to recover damages for

1 harm done by: (1) Any contractor or employee of a school district acting in his or her capacity as  
2 a contractor or employee; or (2) The existence of unsafe facilities or structures or programs of any  
3 school district; provided that this section shall not limit or diminish any immunity from civil  
4 liability provided pursuant to section 9-1-48.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION

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1           This act would require school districts to work with the Rhode Island interscholastic  
2 league to develop guidelines for educating coaches and players in youth sports about the risks  
3 associated with concussions.

4           This act would also limit the liability of school districts and others for such injuries,  
5 provided certain insurance coverage is provided.

6           This act would take effect upon passage.

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