

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

193S0087

## SENATE BILL NO. 149

Introduced by: Senators Schlekeway, Begalka, Cutler, Garnos, Gray, Heineman, Hunhoff (Jean), Johnston, Kraus, Krebs, Lederman, Nygaard, Rave, Sutton, Tidemann, and Tieszen and Representatives Wink, Abdallah, Blake, Bolin, Gosch, Hoffman, Jones, Lucas, Lust, Magstadt, Munsterman, Sigdestad, Sly, Steele, Stricherz, Tornow, Tulson, Van Gerpen, and Wick

1 FOR AN ACT ENTITLED, An Act to establish policies for youth athletes with concussions  
2 resulting from participation in youth athletic activities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The South Dakota High School Activities Association, in concert with the Department of  
7 Education, shall develop guidelines to inform and educate member schools, coaches, athletes,  
8 and the parents or guardians of athletes, of the nature and risk of concussion, including  
9 continuing to play after sustaining a concussion. A concussion information sheet shall be signed  
10 and returned by any athlete who seeks to compete in activities sanctioned by the South Dakota  
11 High School Activities Association and the athlete's parent or guardian prior to the athlete's  
12 participation in any youth athletic activities sanctioned by the South Dakota High School  
13 Activities Association. A signed information sheet is effective for one academic year.



1 The guidelines and information sheet shall include protocols and content consistent with  
2 current medical knowledge for informing and educating each member school, coach, and athlete  
3 participating in athletic activities sanctioned by the South Dakota High School Activities  
4 Association, and the athlete's parent or guardian as to:

- 5 (1) The nature and risk of concussions associated with athletic activity;
- 6 (2) The signs, symptoms, and behaviors consistent with a concussion;
- 7 (3) The need to alert appropriate medical professionals for urgent diagnosis or treatment  
8 if an athlete is suspected to have received a concussion; and
- 9 (4) The need to follow proper medical direction and protocols for treatment and return  
10 to play after an athlete sustains a concussion.

11 Section 2. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The South Dakota High School Activities Association and the South Dakota Department  
14 of Education shall develop a training program consistent with section 1 of this Act. Each coach  
15 participating in athletic activities sanctioned by the South Dakota High School Activities  
16 Association shall complete the training program each academic year.

17 Section 3. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 An athlete shall be removed from participation in any athletic activity sanctioned by the  
20 South Dakota High School Activities Association at the time the athlete:

- 21 (1) Exhibits signs, symptoms, or behaviors consistent with a concussion; or
- 22 (2) Is suspected of sustaining a concussion.

23 Section 4. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 No athlete who has been removed from participation in an athletic activity sanctioned by the  
2 South Dakota High School Activities Association may return to athletic activities until the  
3 athlete:

- 4 (1) No longer exhibits signs, symptoms, or behavior consistent with a concussion; and
- 5 (2) Receives an evaluation by a licensed health care provider trained in the evaluation  
6 and management of concussions and receives written clearance to return to play from  
7 such health care provider.

8 Section 5. Any youth athletic activity not sanctioned by the South Dakota High School  
9 Activities Association, including any youth athletic activity sponsored by a city, business, or  
10 nonprofit organization, in which the athletes are eighteen years of age or younger, shall:

- 11 (1) Provide guidelines and an information sheet as required by subdivision (3) on  
12 concussions to each coach, youth athlete, and parent or guardian of each youth  
13 athlete. The guidelines and information sheet shall include protocols and content  
14 consistent with current medical knowledge for informing and educating each coach,  
15 youth athlete participating in youth athletic activities, and the athlete's parent or  
16 guardian as to:

- 17 (a) The nature and risk of concussions associated with athletic activity;
- 18 (b) The signs, symptoms, and behaviors consistent with a concussion;
- 19 (c) The need to alert appropriate medical professionals for urgent diagnosis and  
20 treatment if a youth athlete is suspected to have received a concussion; and
- 21 (d) The need to follow proper medical direction and protocols for treatment and  
22 return to play after a youth athlete sustains a concussion;

- 23 (2) Require that all coaches receive annual training consistent with subdivision (1) to  
24 educate them about the nature and risk of concussion, including continuing to play

1 after concussion; and

- 2 (3) Require that a concussion information sheet be signed and returned by the youth  
3 athlete and the athlete's parent or guardian prior to the youth athlete's participation  
4 in any youth athletic activities for the subsequent year.

5 Section 6. A youth athlete shall be removed from participation in any youth athletic activity  
6 or at the time the youth athlete:

- 7 (1) Exhibits signs, symptoms, or behaviors consistent with a concussion; or  
8 (2) Is suspected of sustaining a concussion.

9 Section 7. No youth athlete who has been removed from participation in a youth athletic  
10 activity may return to youth athletic activities until the youth athlete:

- 11 (1) No longer exhibits signs, symptoms, or behavior consistent with a concussion; and  
12 (2) Receives an evaluation by a licensed health care provider trained in the evaluation  
13 and management of concussions and receives written clearance to return to play from  
14 such health care provider.

15 Section 8. For the purposes of this Act, a licensed health care provider is a person who is:

- 16 (1) Registered, licensed, certified, or otherwise statutorily recognized by the State of  
17 South Dakota to provide medical treatment; and  
18 (2) Trained and experienced in the evaluation, management, and care of concussions.

19 Section 9. For the purposes of sections 5 to 7, inclusive, of this Act, a youth athletic activity  
20 is any activity related to competition, practice, or training exercises.

21 Section 10. Any person who provides services or assistance free of charge, except for  
22 reimbursement of expenses, as an athletic coach, manager, or official for a sports team that is  
23 organized or performing pursuant to a nonprofit or similar charter is immune from civil liability  
24 for any act or omission resulting in damage or injury to any player or participant if at the time

1 of the act or omission all the following are met:

2 (1) The person who caused the damage or injury was acting in good faith and in the  
3 scope of that person's duties for the sports team;

4 (2) The act or omission did not constitute willful misconduct or gross negligence;

5 (3) The coach, manager, or official had participated in safety orientation and training  
6 programs established by the league or team with which the person is affiliated.

7 Section 11. This Act does not create any liability for, or create a cause of legal action  
8 against, a school, a school district, or any officer or employee of a school or school district.