

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED 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~~ 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) Any other individual designated by the school district or nonpublic school as
6 having direct responsibility for the student during practice, training, or
7 competition.
- 8 4. The concussion management program must require that any student who is removed
9 in accordance with subsection 3 must be ~~examined~~evaluated as soon as practicable
10 by a licensed, ~~registered, or certified~~ health care provider ~~whose~~who is acting within
11 the provider's scope of practice includes and trained in the diagnosis and
12 treatment~~evaluation and management~~ of concussion, as determined by the provider's
13 licensing board.
- 14 5. a. A student who is ~~removed~~evaluated in accordance with subsection ~~34~~ and
15 believed to have suffered a concussion may not be allowed to return to practice,
16 training, or competition until the ~~student or the student's parent obtains written~~
17 authorization from a licensed, registered, or certified health care provider whose
18 scope of practice includes ~~the diagnosis and treatment of concussion and~~
19 provides that authorization to the student's coach or athletic trainer student's
20 return is authorized by a licensed health care provider who meets the criteria set
21 forth in subsection 4.
- 22 b. The authorization required by this subsection must be:
23 (1) In writing;
24 (2) Presented or forwarded to the individual designated by the student's school
25 district or nonpublic school for receipt of such authorizations; and
26 (3) Retained by the student's school district or school for a period of seven
27 years after conclusion of the student's enrollment.
- 28 c. Any health care provider who signs an authorization in accordance with this
29 section is acknowledging that the provider is acting within the provider's scope of
30 practice and is trained in the evaluation and management of concussion, as
31 determined by the provider's licensing board.

- 1 6. The concussion management program must require that each official, coach, and
2 athletic trainer individual designated by the school district or nonpublic school as
3 having direct responsibility for the student during practice, training, or competition
4 receive biennial training regarding the nature and risk of concussion.
- 5 7. The student's school district or nonpublic school shall ensure that before a student is
6 allowed to participate in the athletic activity described in subsection 1, the student and
7 the student's parent shall document that they have viewed information regarding
8 concussions incurred by students participating in athletic activities. The required
9 information must be provided by the student's school district or nonpublic school and
10 must be made available in printed form or in a verifiable electronic format.
- 11 8. This section does not create any liability for, or create a cause of action against:
- 12 a. A school district, its officers, or its employees; ~~or~~
- 13 b. A nonpublic school, its officers, or its employees; or
- 14 c. An official.
- 15 9. A school district or a nonpublic school may contract for and accept gifts, grants, and
16 donations from any public or nonpublic source, in order to meet the requirements of
17 this section.
- 18 10. For the purposes of this section, "official" means an umpire, a referee, a judge, or any
19 other individual formally officiating at an athletic event.