State of Washington 61st Legislature 2009 Regular Session

By Representatives Rodne, Quall, Anderson, Llias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan, and Morrell

Read first time 01/30/09. Referred to Committee on Education.

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 4.24.660 and 1999 c 316 s 3 are each amended to read as follows:

(1) A school district shall not be liable for an injury to or the death of a person due to action or inaction of persons employed by, or under contract with, a youth program if:

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

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

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

(2) Immunity under this section does not apply to any school
district before January 1, 2000.

(3) As used in this section, "youth programs" means any program or
service, offered by a private nonprofit group, that is operated
primarily to provide persons under the age of eighteen with
opportunities to participate in services or programs.

(4) This section does not impair or change the ability of any
person to recover damages for harm done by: (a) Any contractor or
employee of a school district acting in his or her capacity as a
contractor or employee; or (b) the existence of unsafe facilities or
structures or programs of any school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600
RCW to read as follows:

(1)(a) Concussions are one of the most commonly reported injuries
in children and adolescents who participate in sports and recreational
activities. The centers for disease control and prevention estimates
that as many as three million nine hundred thousand sports-related and
recreation-related concussions occur in the United States each year.
A concussion is caused by a blow or motion to the head or body that
causes the brain to move rapidly inside the skull. The risk of
catastrophic injuries or death are significant when a concussion or
head injury is not properly evaluated and managed.

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

(c) Continuing to play with a concussion or symptoms of head injury
leaves the young athlete especially vulnerable to greater injury and
even death. The legislature recognizes that, despite having generally
recognized return to play standards for concussion and head injury,
some affected youth athletes are prematurely returned to play resulting
in actual or potential physical injury or death to youth athletes in
the state of Washington.

(2) Each school district's board of directors shall work in consort
with the Washington interscholastic activities association to develop
the guidelines and other pertinent information and forms to inform and
educate coaches, youth athletes, and their parents and/or guardians of
the nature and risk of concussion and head injury including continuing
to play after concussion or head injury. A concussion and head injury
information sheet shall be signed and returned by the youth athlete and
the athlete's parent and/or guardian prior to the youth athlete's
return to practice or competition.

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

(4) A youth athlete who has been removed from play may not return
to play until the athlete is evaluated by a licensed health care
provider trained in the evaluation and management of concussion and
receives written clearance to return to play from that health care
provider.

(5) This section may be known and cited as the Zackery Lystedt law.

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