

Youth Sports Head Injuries

This Act limits the liability of school districts for injuries suffered by youth who participate in youth programs on school property.

The Act directs school districts to work with the state interscholastic activities association to develop guidelines and inform coaches, athletes, and parents about the dangers of concussions and head injuries. The bill requires youth athletes and their parents or guardians sign a concussion and head injury information sheet for the athlete to be eligible to play in a program using school facilities.

The Act requires a youth athlete who is suspected of sustaining a concussion or head injury be removed from a practice or game. The athlete cannot return to play until the athlete has been evaluated by a licensed health care provider and received a written clearance to play.

Submitted as:

Washington

[Chapter 475, Laws of 2009](#)

Status: Enacted into law in 2009.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Address Head Injuries in
2 Youth Sports.]

3
4 Section 2. [*School District Liability for Injuries to Youths Participating in Youth
5 Programs on School Property.*]

6 (A) As used in this section, “youth programs” means any program or service, offered by a
7 private nonprofit group that is operated primarily to provide people under the age of [eighteen]
8 with opportunities to participate in services or programs.

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

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

13 (2) The private nonprofit group provides proof of being insured, under an accident
14 and liability policy issued by an insurance company authorized to do business in this state, that
15 covers any injury or damage arising from delivery of its services. Coverage for a policy meeting
16 the requirements of this section must be at least [fifty thousand] dollars due to bodily injury or
17 death of one person, or at least [one hundred thousand] dollars due to bodily injury or death of
18 two or more people in any incident. The private nonprofit shall also provide a statement of
19 compliance with the policies for the management of concussion and head injury in youth sports
20 as set forth in section 3 of this Act; and

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

23 (C) Immunity under this section does not apply to any school district before [insert
24 citation].

25 (D) This section does not impair or change the ability of any person to recover damages
26 for harm done by any contractor or employee of a school district acting in his or her capacity as a

27 contractor or employee or the existence of unsafe facilities or structures or programs of any
28 school district.

29

30 Section 3. [*Guidelines about Concussions and Brain Injuries.*]

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

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

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

48 (B) Each school district's board of directors shall work in concert with the [state
49 interscholastic activities association] to develop the guidelines and other pertinent information
50 and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of
51 the nature and risk of concussion and head injury including continuing to play after concussion
52 or head injury. On a [yearly] basis, a concussion and head injury information sheet shall be
53 signed and returned by the youth athlete and the athlete's parent and/or guardian prior to the
54 youth athlete's initiating practice or competition.

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

57 (D) A youth athlete who has been removed from play may not return to play until the
58 athlete is evaluated by a licensed health care provider trained in the evaluation and management
59 of concussion and receives written clearance to return to play from that health care provider. The
60 health care provider may be a volunteer. A volunteer who authorizes a youth athlete to return to
61 play is not liable for civil damages resulting from any act or omission in the rendering of such
62 care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

63

64 Section 4. [*Severability.*] [Insert severability clause.]

65

66 Section 5. [*Repealer.*] [Insert repealer clause.]

67

68 Section 6. [*Effective Date.*] [Insert effective date.]