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State of Minnesota

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Page No.

140

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH  
SESSION

HOUSE FILE No. 905

March 7, 2011

Authored by Hamilton, McElfatrick, Abeler, Swedzinski, Schomacker and others  
The bill was read for the first time and referred to the Committee on Education Reform

April 11, 2011

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Health and Human Services Reform

April 14, 2011

Committee Recommendation and Adoption of Report:  
To Pass and re-referred to the Committee on Government Operations and Elections

April 26, 2011

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Civil Law

April 28, 2011

Committee Recommendation and Adoption of Report:  
To Pass as Amended  
Read Second Time

1.1 A bill for an act  
1.2 relating to health; establishing policies for youth athletes with concussions  
1.3 resulting from participation in youth athletic activities; amending Minnesota  
1.4 Statutes 2010, section 128C.02, by adding a subdivision; proposing coding for  
1.5 new law in Minnesota Statutes, chapter 121A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [121A.045] YOUTH SPORTS PROGRAMS.

1.8 (a) Consistent with section 121A.323, any city, business, or nonprofit organization  
1.9 that organizes a youth athletic activity for which an activity fee is charged shall:

1.10 (1) make information accessible to all participating coaches, officials, and youth  
1.11 athletes and their parents or guardians about the nature and risks of concussions, including  
1.12 the effects and risks of continuing to play after receiving a concussion, and the protocols  
1.13 and content, consistent with current medical knowledge from the Centers for Disease  
1.14 Control and Prevention, related to:

1.15 (i) the nature and risks of concussions associated with athletic activity;

1.16 (ii) the signs, symptoms, and behaviors consistent with a concussion;

1.17 (iii) the need to alert appropriate medical professionals for urgent diagnosis and  
1.18 treatment when a youth athlete is suspected or observed to have received a concussion; and

1.19 (iv) the need for a youth athlete who sustains a concussion to follow proper medical  
1.20 direction and protocols for treatment and returning to play;

1.21 (2) require all participating coaches and officials to receive initial online training and  
1.22 online training at least once every three calendar years thereafter, consistent with clause

1.23 (1) and the Concussion in Youth Sports online training program available on the Centers  
1.24 for Disease Control and Prevention Web site; and

2.1 (3) before a youth athlete participates in a youth athletic activity, require the  
2.2 youth athlete and the youth athlete's parent or guardian to sign and submit to a coach or  
2.3 other official a concussion information form indicating that the youth athlete received  
2.4 information about concussions.

2.5 (b) A coach or official shall remove a youth athlete from participating in any youth  
2.6 athletic activity when the youth athlete:

2.7 (1) exhibits signs, symptoms, or behaviors consistent with a concussion; or

2.8 (2) is suspected of sustaining a concussion.

2.9 (c) When a coach or official removes a youth athlete from participating in a youth  
2.10 athletic activity because of a concussion, the youth athlete may not again participate in the  
2.11 activity until the youth athlete:

2.12 (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion;  
2.13 and

2.14 (2) is evaluated by a provider trained and experienced in evaluating and managing  
2.15 concussions and the provider gives the youth athlete written permission to again  
2.16 participate in the activity.

2.17 (d) Failing to remove a youth athlete from an activity under this section does not  
2.18 violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (e).

2.19 (e) This section does not create any additional liability for, or create any new  
2.20 cause of legal action against, a city, business, or nonprofit organization or any officer or  
2.21 employee of a city, business, or nonprofit organization.

2.22 **EFFECTIVE DATE.** This section is effective September 1, 2011.

2.23 **Sec. 2. [121A.323] CONCUSSION PROCEDURES.**

2.24 Subdivision 1. **Definitions.** (a) For purposes of this section and section 121A.045,  
2.25 the following terms have the meanings given them.

2.26 (b) "Concussion" means a complex pathophysiological process affecting the brain,  
2.27 induced by traumatic biokinetic forces caused by a direct blow to either the head, face, or  
2.28 neck, or elsewhere on the body with an impulsive force transmitted to the head that may  
2.29 involve the rapid onset of short-lived impairment of neurological function and clinical  
2.30 symptoms, loss of consciousness, or prolonged postconcussive symptoms.

2.31 (c) "Provider" means a health care provider who is:

2.32 (1) registered, licensed, certified, or otherwise statutorily authorized by the state to  
2.33 provide medical treatment;

2.34 (2) trained and experienced in evaluating and managing pediatric concussions; and

2.35 (3) practicing within the person's medical training and scope of practice.

3.1 (d) "Youth athlete" means a young person through age 18 who actively participates  
3.2 in an athletic activity, including a sport.

3.3 (e) "Youth athletic activity" means any athletic activity related to competition,  
3.4 practice, or training exercises. For purposes of school-sponsored sports under this section,  
3.5 youth athletic activities are extracurricular athletic activities.

3.6 Subd. 2. **School-sponsored sports.** (a) The appropriate sports governing body,  
3.7 including the high school league under chapter 128C, among other sports governing  
3.8 bodies, shall work with public and nonpublic school coaches, officials, and youth athletes  
3.9 and their parents or guardians to make information available about the nature and risks  
3.10 of concussions, including the effects of continuing to play after receiving a concussion.  
3.11 The information shall include protocols and content, consistent with current medical  
3.12 knowledge from the Centers for Disease Control and Prevention, related to:

3.13 (1) the nature and risks of concussions associated with athletic activity;

3.14 (2) the signs, symptoms, and behaviors consistent with a concussion;

3.15 (3) the need to alert appropriate medical professionals for urgent diagnosis and  
3.16 treatment when a youth athlete is suspected or observed to have received a concussion; and

3.17 (4) the need for a youth athlete who sustains a concussion to follow proper medical  
3.18 direction and protocols for treatment and returning to play.

3.19 A sports governing body that posts or provides appropriate links to the information  
3.20 indicated in this paragraph has complied with the requirements of this paragraph.

3.21 (b) Consistent with paragraph (a), the appropriate sports governing body shall  
3.22 provide access to the Concussion in Youth Sports online training program available on  
3.23 the Centers for Disease Control and Prevention Web site. Each school coach and official  
3.24 involved in youth athletic activities must receive initial online training and online training  
3.25 at least once every three school years thereafter.

3.26 (c) At the start of each school year, school officials shall make information available  
3.27 about the nature and risks of concussions to youth athletes and their parents or guardians.  
3.28 If a parent of a youth athlete must sign a consent form to allow the youth athlete to  
3.29 participate in a school-sponsored athletic activity, the form must include information  
3.30 about the nature and risk of concussions.

3.31 (d) A coach or official shall remove a youth athlete from participating in any youth  
3.32 athletic activity when the youth athlete:

3.33 (1) exhibits signs, symptoms, or behaviors consistent with a concussion; or

3.34 (2) is suspected of sustaining a concussion.

4.1 (e) When a coach or official removes a youth athlete from participating in a youth  
4.2 athletic activity because of a concussion, the youth athlete may not return to the activity  
4.3 until the youth athlete:

4.4 (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion;  
4.5 and

4.6 (2) is evaluated by a provider trained and experienced in evaluating and managing  
4.7 concussions and the provider gives the youth athlete written permission to again  
4.8 participate in the activity.

4.9 (f) Failing to remove a youth athlete from an activity as required under this section  
4.10 does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (g).

4.11 (g) This section does not create any additional liability for, or create any new  
4.12 cause of legal action against, a school or school district or any officer or employee of a  
4.13 school or school district.

4.14 **EFFECTIVE DATE.** This section is effective for the 2011-2012 school year and  
4.15 later.

4.16 Sec. 3. Minnesota Statutes 2010, section 128C.02, is amended by adding a subdivision  
4.17 to read:

4.18 **Subd. 3b. Concussion awareness, safety, and protection.** The league may adopt  
4.19 a concussion awareness, safety, and protection policy that exceeds the requirements of  
4.20 section 121A.323.

4.21 **EFFECTIVE DATE.** This section is effective for the 2011-2012 school year and  
4.22 later.