

SENATE BILL NO. 112

INTRODUCED BY BLEWETT, DEBBY BARRETT, OLSON, SONJU, THOMAS, WALKER, O'HARA,
PIERSON, REICHNER, C. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE DYLAN STEIGERS PROTECTION OF YOUTH ATHLETES ACT; PROMOTING SAFETY FOR YOUTH ATHLETES; PROVIDING DEFINITIONS; REQUIRING EACH SCHOOL DISTRICT TO ADOPT A POLICY ADDRESSING THE DANGERS OF CONCUSSIONS; PROVIDING MINIMUM REQUIREMENTS FOR THE CONTENTS OF A SCHOOL DISTRICT POLICY; REQUIRING THAT A YOUTH ATHLETE SUSPECTED OF SUSTAINING A CONCUSSION BE REMOVED FROM PARTICIPATION AND THAT MEDICAL CLEARANCE BE OBTAINED PRIOR TO RETURNING TO PARTICIPATION; ~~CLARIFYING THE INTENT OF THE ACT TO CREATE NO~~ THAT THE ACT DOES NOT CREATE A NEW CAUSE OF ACTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Centers for Disease Control and Prevention estimates that as many as 3.9 million sports-related and recreation-related concussions occur in the United States each year; and

WHEREAS, youth athletics are commonplace throughout the state and it is in the best interest of participating youth that uniform concussion policies and procedures apply across the state; and

WHEREAS, the Centers for Disease Control and Prevention has created uniform policies and procedures regarding the nature and risk of concussions, including the effects of continuing to play after sustaining a concussion, that are consistent with current medical knowledge.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Dylan Steigers Protection of Youth Athletes Act".

NEW SECTION. **Section 2. Purpose -- intent.** (1) The legislature finds that protecting youth athletes from serious injury is a compelling state interest. The purpose of [sections 2 through 5] is to prevent permanent injury and death to youth athletes in the state of Montana. To further this interest, the legislature finds:

(a) concussions are one of the most commonly reported injuries in children and adolescents who

1 participate in sports and recreational activities;

2 (b) a concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly
3 inside the skull;

4 (c) the risks of catastrophic injuries or death are significant when a concussion or brain injury is not
5 properly evaluated and managed;

6 (d) concussions are a type of brain injury that can range from mild to severe and can disrupt the way the
7 brain normally works;

8 (e) concussions can occur in any organized or unorganized sport or recreational activity and can result
9 from a fall or from players colliding with each other, with the ground, or with obstacles;

10 (f) concussions occur with or without loss of consciousness; and

11 (g) continuing to play with a concussion or symptoms of brain injury leaves the youth athlete especially
12 vulnerable to greater injury and even death.

13 (2) ~~It is not the intent of [sections 2 through 5] to create any new cause of action. [SECTIONS 2 THROUGH~~
14 ~~5] DO NOT CREATE A NEW CAUSE OF ACTION.~~

15
16 NEW SECTION. **Section 3. Definitions.** As used in [sections 2 through 5], the following definitions
17 apply:

18 (1) "Concussion" means an injury to the brain arising from blunt trauma, an acceleration force, or a
19 deceleration force, which may include one of the following observed or self-reported conditions attributable to the
20 injury:

21 (a) transient confusion, disorientation, or impaired consciousness;

22 (b) dysfunction of memory;

23 (c) loss of consciousness; or

24 (d) signs of other neurological or neuropsychological dysfunction, including:

25 (i) increased irritability;

26 (ii) lethargy;

27 (iii) vomiting;

28 (iv) headache;

29 (v) dizziness;

30 (vi) fatigue;

1 (vii) decreased balance; and

2 (viii) seizures.

3 (2) "Licensed health care professional" means a registered, licensed, certified, or otherwise statutorily
4 recognized ~~physician, osteopath, physician assistant, athletic trainer, or registered nurse~~ HEALTH CARE
5 PROFESSIONAL whose training and scope of practice include the evaluation and management of concussions in
6 youth athletes.

7 (3) "Organized youth athletic activity" means an athletic activity sponsored ~~or sanctioned~~ by a school or
8 school district in which the participants are engaged in an athletic game or competition against another team,
9 club, or entity, in practice, tryouts, training exercises, or sports camps, or in preparation for an athletic game or
10 competition against another team, club, or entity.

11 (4) "Youth athlete" means an individual who is an active participant in an organized youth athletic activity.

12

13 **NEW SECTION. Section 4. Youth athletes -- concussion education requirements.** (1) Each school
14 district in this state offering organized youth athletic activities shall adopt policies and procedures to inform athletic
15 trainers, coaches, officials, youth athletes, and parents or guardians of the nature and risk of brain injuries,
16 including the effects of continuing to play after a concussion. The policies, content, and protocols must be
17 consistent with current medical knowledge and guidelines provided by the U.S. department of health and human
18 services, centers for disease control and prevention, as to:

19 (a) the nature and risk of brain injuries associated with athletic activity;

20 (b) the signs, symptoms, and behaviors consistent with a brain injury;

21 (c) the need to alert a licensed health care professional for urgent recognition and treatment when a
22 youth athlete is suspected or observed to have sustained a concussion; and

23 (d) the need to follow proper medical direction and protocols for treatment and returning to play after a
24 youth athlete sustains a concussion.

25 (2) A form documenting that educational materials referred to in subsection (1) have been provided to
26 and viewed by each youth athlete and the youth athlete's parent or guardian must be signed by each youth
27 athlete and the youth athlete's parent or guardian and returned to an official designated by the school or school
28 district prior to the youth athlete's participation in organized youth athletic activities for the subsequent school
29 year.

30 (3) School districts shall ensure access to a training program consistent with subsection (1). Each coach,

1 athletic trainer, and official participating in organized youth athletic activities shall complete the training program
2 at least once each school year.

3 (4) School districts may invite the participation of appropriate advocacy groups and appropriate sports
4 governing bodies to facilitate the requirements of subsections (1) through (3).

5
6 **NEW SECTION. Section 5. Youth athletes -- removal from participation following concussion --**

7 **medical clearance required before return to participation.** (1) An athletic trainer, coach, or official shall
8 remove a youth athlete from participation in any organized youth athletic activity at the time the youth athlete:

- 9 (a) exhibits signs, symptoms, or behaviors consistent with a concussion; or
- 10 (b) is suspected of sustaining a concussion.

11 (2) A youth athlete who has been removed from participation in an organized youth athletic activity
12 because of a suspected concussion may not return to organized youth athletic activities until the youth athlete:

- 13 (a) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and
- 14 (b) receives an evaluation by a licensed health care professional and receives written clearance to return
15 to play from the licensed health care professional. The written clearance must state:

- 16 (i) that the licensed health care professional has evaluated the youth athlete;
- 17 (ii) that the licensed health care professional is familiar with current guidelines on sports-related brain
18 injuries and concussions provided by the U.S. department of health and human services, centers for disease
19 control and prevention; and
- 20 (iii) that in keeping with those guidelines, the youth athlete is capable of safely resuming participation in
21 organized youth athletic activities.

22
23 **NEW SECTION. Section 6. Codification instruction.** [Sections 2 through 5] are intended to be codified
24 as an integral part of Title 20, and the provisions of Title 20 apply to [sections 2 through 5].

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26 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

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