

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 548

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO YOUTH ATHLETES AND CONCUSSIONS; AMENDING SECTION 33-1625, IDAHO
2 CODE, TO REMOVE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND TO RE-
3 VISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO YOUTH ATHLETES
4 AND CONCUSSION GUIDELINES AND REQUIREMENTS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 33-1625, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-1625. ~~LEGISLATIVE INTENT ---~~ YOUTH ATHLETES -- CONCUSSION GUIDE-
10 LINES -- LIMIT LIABILITY. ~~The legislature finds that concussions are one of~~
11 ~~the most commonly reported injuries in children and adolescents who partici-~~
12 ~~pate in sports and recreational activities. The centers for disease control~~
13 ~~and prevention estimates that as many as three million eight hundred thou-~~
14 ~~sand (3,800,000) sports-related and recreation-related concussions occur~~
15 ~~in the United States each year. A concussion is caused by a blow or motion to~~
16 ~~the head or body that causes the brain to move rapidly inside the skull. The~~
17 ~~risk of catastrophic injuries or death is significant when a concussion or~~
18 ~~head injury is not properly evaluated and managed.~~

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

25 Continuing to play with a concussion or symptoms of head injury leaves
26 the young athlete especially vulnerable to greater injury and even death.
27 The legislature recognizes that, despite having generally recognized re-
28 turn to play standards for concussion and head injury, some affected youth
29 athletes are prematurely returned to play resulting in actual or potential
30 physical injury or death to youth athletes in the state of Idaho.

31 (1) The state board of education shall collaborate with and the Idaho
32 high school activities association to develop shall provide access to ap-
33 propriate guidelines and other pertinent information and forms to inform and
34 educate coaches, both paid and volunteer, youth athletes, and their parents
35 and/or guardians of the nature and risk of concussion and head injury includ-
36 ing risks associated with continuing to play after concussion or head injury
37 that identify the signs and symptoms of a concussion and head injury and de-
38 scribes the nature and risk of concussion and head injury in accordance with
39 standards of the center for disease control and prevention through a link on
40 the internet website of the board and of the Idaho high school activities as-
41 sociation.

1 (2) ~~The~~ At the beginning of each sports season before a youth athlete
2 participates in any organized practice or game, the youth athlete and the
3 youth athlete's parent or guardian shall review the guidelines, and infor-
4 mation and forms described in subsection (1) of this section shall be devel-
5 oped for and may be used by all organized youth sport organizations or as-
6 sociations that sponsor, promote or otherwise administer youth sport orga-
7 nizations or activities in this state. The state board of education shall
8 make available on its internet website the guidelines, information and forms
9 provided for in this section and shall provide signed confirmation that they
10 have reviewed the signs and symptoms of concussion and head injury and the
11 risks associated with continuing to play after concussion or head injury.
12 The guidelines and information shall be provided by the school that the ath-
13 lete plays for, or by the youth sport organization the athlete is playing
14 under if the league that the athlete is part of is not a school sanctioned
15 league. Coaches, referees, game officials, game judges and athletic train-
16 ers shall annually review such guidelines and information and provide signed
17 confirmation that they have reviewed the material to their employers at the
18 beginning of each sports season.

19 (3) If during a game, a qualified health care professional, or team
20 coach who is eighteen (18) years of age or older and who represents the team
21 with which the youth athlete in question is affiliated, or game official,
22 suspects or determines that a youth athlete exhibits outward signs or symp-
23 toms of a concussion or head injury as defined by the center for disease
24 control and prevention, then the qualified health care professional, team
25 coach or game official shall immediately remove the youth athlete from play.
26 A team coach shall not make the formal decision to remove a player from the
27 opposing team from play.

28 (4) An athlete may be returned to play the same game day of the suspected
29 injury if the athlete is evaluated and authorized to return by a qualified
30 health care professional who is trained in the evaluation and management of
31 concussions. If an athlete is not authorized by a qualified health care pro-
32 fessional to return to play, the athlete shall be withheld from play for at
33 least one (1) day and shall receive written clearance from a qualified health
34 care professional before returning to play.

35 (5) If during practice, a qualified health care professional or team
36 coach suspects or determines that a youth athlete exhibits outward signs
37 or symptoms of a concussion or head injury, then the qualified health care
38 professional or team coach shall immediately remove the youth athlete from
39 play. An athlete removed from practice shall not return to play until he or
40 she receives an evaluation and authorization to return to play by a qualified
41 health care professional.

42 (6) In no event shall a parent, guardian or relative of the student
43 athlete who has been removed from play act as or be deemed to be a qualified
44 health care professional for that student athlete. For the purposes of this
45 section, "qualified health care professional" means and includes any one (1)
46 of the following who is trained in the evaluation and management of concus-
47 sions:

48 (a) A physician or physician assistant licensed under chapter 18, title
49 54, Idaho Code;

1 (b) An advanced practice nurse licensed under section 54-1409, Idaho
2 Code; or

3 (c) An athletic trainer licensed under chapter 39, title 54, Idaho
4 Code.

5 (7) It shall always be reasonable for a team coach, game official, team
6 athletic trainer or qualified health care professional to remove a youth
7 athlete from a practice or game if the youth athlete exhibits signs and
8 symptoms of a concussion or head injury pursuant to subsections (3) and (5)
9 of this section so that acting upon the guidelines required in this section
10 shall not form the basis of a claim for negligence in a civil action.

11 (8) This section shall apply to all youth sport organizations or asso-
12 ciations in this state, except that this section shall not apply to any col-
13 legiate sport activity or program or to any person participating in any col-
14 legiate sport activity or program administered in this state. For the pur-
15 poses of this section, "youth sport organization" and "youth sport associ-
16 ation" shall mean any entity organized by a governing body which organizes,
17 promotes or otherwise administers an athletic league in this state where the
18 majority of participants are eighteen (18) years of age and younger, and are
19 engaging in an organized athletic game or competition against another team,
20 club or entity or in practice or preparation for an organized game or compe-
21 tition against another team, club or entity.