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ENGROSSED HOUSE BILL 1824

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**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.

1            AN ACT Relating to requiring the adoption of policies for the  
2 management of concussion and head injury in youth sports; amending RCW  
3 4.24.660; and adding a new section to chapter 28A.600 RCW.

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

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

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

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

12            (b) The private nonprofit group provides proof of being insured,  
13 under an accident and liability policy issued by an insurance company  
14 authorized to do business in this state, that covers any injury or  
15 damage arising from delivery of its services. Coverage for a policy  
16 meeting the requirements of this section must be at least fifty  
17 thousand dollars due to bodily injury or death of one person, or at  
18 least one hundred thousand dollars due to bodily injury or death of two  
19 or more persons in any incident. The private nonprofit shall also

1 provide a statement of compliance with the policies for the management  
2 of concussion and head injury in youth sports as set forth in section  
3 2 of this act; and

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

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

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

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

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

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

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

36 (c) Continuing to play with a concussion or symptoms of head injury  
37 leaves the young athlete especially vulnerable to greater injury and

1 even death. The legislature recognizes that, despite having generally  
2 recognized return to play standards for concussion and head injury,  
3 some affected youth athletes are prematurely returned to play resulting  
4 in actual or potential physical injury or death to youth athletes in  
5 the state of Washington.

6 (2) Each school district's board of directors shall work in concert  
7 with the Washington interscholastic activities association to develop  
8 the guidelines and other pertinent information and forms to inform and  
9 educate coaches, youth athletes, and their parents and/or guardians of  
10 the nature and risk of concussion and head injury including continuing  
11 to play after concussion or head injury. On a yearly basis, a  
12 concussion and head injury information sheet shall be signed and  
13 returned by the youth athlete and the athlete's parent and/or guardian  
14 prior to the youth athlete's initiating practice or competition.

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

18 (4) A youth athlete who has been removed from play may not return  
19 to play until the athlete is evaluated by a licensed health care  
20 provider trained in the evaluation and management of concussion and  
21 receives written clearance to return to play from that health care  
22 provider. The health care provider may be a volunteer. A volunteer  
23 who authorizes a youth athlete to return to play is not liable for  
24 civil damages resulting from any act or omission in the rendering of  
25 such care, other than acts or omissions constituting gross negligence  
26 or willful or wanton misconduct.

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

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