

Summary

On May 14, 2009, Governor Gregoire signed into law HB 1824, the Zachery Lystedt Law, directing the education of coaches, players, and parents on the recognition and management of concussions as well as establishing return to play protocol for all youth athletes suspected of or having a concussion or brain injury. We see this legislation as a great tool for managing and preventing injuries to student athletes, and dramatically lowering the risk of a catastrophic injury claim.

As of July 26, 2009, the implementation date of the legislation, the following will apply to all school coaches, players, and their parents/guardians.

1. All school coaches will have to take a training course on the nature and risk of concussions and head injuries including continuing to play after a concussion or head injury.
2. Each school year prior to initiating any turnouts or competition, all school athletes and their parents/guardians must have received a training on concussions and head injuries and provide the school with a signed statement indicating they have taken this training.
3. All athletes suspected of suffering a concussion or brain injury will be removed from practice or competition and not returned to play until cleared in writing by a licensed health care provider trained in the evaluation and management of concussions.
4. All non-profit youth organizations using school facilities shall:
 - a. Provide the school with written Proof of Insurance covering their youth athletes with limits required by the law (this was required well before the Zackery Lystedt Law), and
 - b. All coaches, players and parents of youth teams shall have similar training as outlined for school coaches prior to the start of any practice, and
 - c. The non-profit youth groups shall indicate in writing their compliance with the insurance coverage and required head injury training prior to receiving access to school facilities.

Currently the training materials are being developed by expert doctors at Harborview Medical Center, Seattle Children's Hospital, and the University of Washington Hospital in conjunction with WIAA (Washington Interscholastic Activities Association).

These materials will be available to schools and youth programs with WIAA at the center of the distribution.

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1824

Chapter 475, Laws of 2009

61st Legislature
2009 Regular Session

YOUTH SPORTS--HEAD INJURY POLICIES

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 2, 2009
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved May 14, 2009, 11:24 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1824** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 18, 2009

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1824

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representatives Rodne, Quall, Anderson, Lias, 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.

Passed by the House April 20, 2009.

Passed by the Senate April 2, 2009.

Approved by the Governor May 14, 2009.

Filed in Office of Secretary of State May 18, 2009.