

SSB 5763 - S AMD 75

By Senators King, McAuliffe

ADOPTED 03/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.24.660 and 1999 c 316 s 3 are each amended to read
4 as follows:

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

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

10 (b) The private nonprofit group provides proof of being insured,
11 under an accident and liability policy issued by an insurance company
12 authorized to do business in this state, that covers any injury or
13 damage arising from delivery of its services. Coverage for a policy
14 meeting the requirements of this section must be at least fifty
15 thousand dollars due to bodily injury or death of one person, or at
16 least one hundred thousand dollars due to bodily injury or death of two
17 or more persons in any incident. The private nonprofit shall also
18 provide a statement of compliance with the policies for the management
19 of concussion and head injury in youth sports as set forth in section
20 2 of this act; and

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

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

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

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

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
7 RCW to read as follows:

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

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

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

31 (2) Each school district's board of directors shall work in concert
32 with the Washington interscholastic activities association to develop
33 the guidelines and other pertinent information and forms to inform and
34 educate coaches, youth athletes, and their parents and/or guardians of
35 the nature and risk of concussion and head injury including continuing
36 to play after concussion or head injury.

1 (3) On a yearly basis, prior to participating in an interscholastic
2 athletic activity a concussion and head injury information sheet shall
3 be signed by the youth athlete and the athlete's parent and/or guardian
4 and returned to the school district.

5 (4)(a) A youth athlete who is suspected of sustaining a concussion
6 or head injury in a practice or game shall be removed from competition
7 at that time.

8 (b) A youth athlete who has been removed from play for a suspected
9 concussion or head injury may not return to play until the athlete is
10 evaluated by a licensed health care provider trained in the evaluation
11 and management of concussions and receives written clearance to return
12 to play from that person.

13 (c) The licensed health care provider trained in the evaluation and
14 management of concussions may be a volunteer. A volunteer who
15 authorizes a youth athlete to return to play is not liable for civil
16 damages resulting from any act or omission in the rendering of such
17 care, other than acts or omissions constituting gross negligence or
18 willful or wanton misconduct.

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

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21 On page 1, line 2 of the title, after "sports;" strike the
22 remainder of the title and insert "amending RCW 4.24.660; and adding a
23 new section to chapter 28A.600 RCW."

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