

SENATE BILL REPORT

ESSB 5763

As Passed Senate, March 9, 2009

Title: An act relating to requiring the adoption of policies for the management of concussion and head injury in youth sports.

Brief Description: Requiring the adoption of policies for the management of concussion and head injury in youth sports.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, McAuliffe, Brandland, Haugen, Kastama, Kauffman, Oemig, Holmquist, Berkey, Eide, Shin and Tom).

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/09/09, 2/16/09 [DPS, w/oRec].
Passed Senate: 3/09/09, 47-1.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Hobbs, Holmquist, Jarrett, McDermott and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Brandon Roche (786-7405)

Background: School districts are encouraged to allow private nonprofit youth programs to serve an area's youth by allowing the use of the school district facilities. In order to further this end, school districts are provided with limited immunity from liability for injury to youth participating in an activity offered by a private nonprofit group. This immunity only applies if the private nonprofit group provides proof of accident and liability insurance to the school district.

The Department of Health must provide guidelines and training information on head injuries to educational service districts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Engrossed Substitute Bill: In order for a school district to maintain immunity for acts of a private nonprofit youth program, the school district must require a statement of compliance from the program in regards to policies for managing concussions and head injuries.

Each school district must work in concert with the Washington Interscholastic Activities Association to develop guidelines and inform coaches, athletes, and parents of the dangers of concussions and head injuries. A concussion and head injury information sheet must be signed by the youth athletes and their parent/guardians before participating in practice or competition.

A youth athlete who is suspected of sustaining a concussion or head injury must be removed from the practice or game. That athlete cannot return to play until the athlete has been evaluated by a licensed health care provider and receives written clearance to play.

A person signing a clearance to return to play may be a volunteer and is free from civil liability for such an action.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Zackery Lystedt was a star player who got a head injury in the first half of a football game and returned to play the second half; minutes following the end of the game he collapsed on the field and he was saved by emergency brain surgery, but now has permanent brain damage. There is a high turnover rate of coaches, and procedures regarding return to play that are not standardized. This bill will allow us a common language that we can use between the parents, coaches, and caregivers. The coaches need consistent training. Return to play is a major concern and conflicts arise between the coaches and parents and players. There is pressure from the athletes themselves to get them back in the game.

This is for the health and safety of the student-athletes. The issue is not whether the student loses consciousness but where there is a concussion without loss of consciousness. Private organizations do not have any procedures in place. Girls soccer actually has the highest incidence of concussions, not football.

What is a concussion? A brain injury of some kind; all are serious. It can happen in any sport. Recognition of what the problem is immediately can make a profound difference in treatment. We believe more than 50 percent go unreported. Most of those who go to college, having had one concussion, are more likely to have a second concussion. The brain in the adolescent is still convoluting and is very vulnerable to injury. It's impossible for a coach, parent, or player to fully evaluate these injuries. This is why it's important to have a licensed medical professional evaluate suspected concussions.

I had my life changed drastically. I was hit in the back of the head and received a concussion. I just want to make sure this doesn't happen to anyone else. This was a catastrophe in our family. Things like this make a big difference in our lives. Zackery has a mission to save other kids' lives. Kids shouldn't go back in even if there's a suspected concussion.

Persons Testifying: PRO: Richard Adler, Brain Industry Association of Washington; Dr. Graham Reedy, Physician; Andrew Goss, Washington State Athletic Trainers Association; Lisa Thatcher, Brain Injury Association; Richard Langum, Canfield & Associates; Doug Andreassen, Washington Youth Soccer Association; Victor Lystedt, father; Zachery Lystedt, brain injury victim; Gregory Cain, M.D., Multicare Concussion Board.