
ENGROSSED SUBSTITUTE SENATE BILL 5763

State of Washington

61st Legislature

2009 Regular Session

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

READ FIRST TIME 02/17/09.

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.

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

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

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

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

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

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