

# HOUSE BILL REPORT

## EHB 1824

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### As Passed Legislature

**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:** Representatives Rodne, Quall, Anderson, Liias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan and Morrell.

### Brief History:

#### Committee Activity:

Education: 2/13/09 [DP].

#### Floor Activity:

Passed House: 3/4/09, 94-0.

Senate Amended.

Passed Senate: 4/2/09, 45-0.

House Concurred.

Passed House: 4/20/09, 98-0.

Passed Legislature.

### Brief Summary of Engrossed Bill

- Requires the development and dissemination of information and forms regarding the nature and risk of concussion and head injury, including risk associated with continuing to play.
- Directs school districts to require a statement of compliance with policies for the management of head injury and concussion from youth sports programs using school facilities in order for the school district to remain immune for injuries occurring on school property.
- Requires: (1) youth athletes and parents to sign concussion and head injury information forms on an annual basis; (2) removal from practice or play of any youth suspected of sustaining a concussion or head injury; and, (3) a written clearance from a licensed health care provider before the youth may return to play.

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*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.*

- Provides that a licensed health care provider, from whom clearance to return to play is received, may be a volunteer and that volunteers are not liable for civil damages unless the volunteer's actions constitute gross negligence or willfull or wanton misconduct.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

**Staff:** Cece Clynch (786-7195)

### **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. 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 on school property. This immunity applies only if the private nonprofit group provides proof of accident and liability insurance to the school district before the first use of the school facilities and lasts as long as the insurance remains in effect.

A head injury prevention program is in place at the Department of Health (DOH). The DOH must provide guidelines and training information on head injuries to various entities and personnel, including educational service districts. Information regarding head injuries and concussions is also available through the U.S. Center for Disease Control (CDC).

Concussions range in severity from mild to severe but all interfere with the way the brain works. They can affect memory, judgment, reflexes, speech, balance, and coordination. Concussions do not necessarily involve a loss of consciousness. Many people have had concussions and not realized it.

### **Summary of Engrossed Bill:**

In order for a school district to maintain immunity for acts of a private nonprofit youth program, the school district must, in addition to requiring proof of insurance, also require a statement of compliance from the program with respect to policies for the management of concussion and head injury in youth sports.

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. Annually, youth athletes and their parents or guardians must sign and return a concussion and head injury form prior to the initiation of practice or competition.

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

The licensed health care provider, from whom clearance to return to play is received, may be a volunteer. A volunteer who authorizes return to play is not liable for civil damages unless the volunteer's actions constitute gross negligence or willful or wanton misconduct.

This is to be known and cited as the Zackery Lystedt law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Zackery Lystedt suffered a head injury while playing middle school football. After making a good tackle, he didn't get up from the field. He did not suffer loss of consciousness. After being kept out for awhile, he returned to the game and played in the third and fourth quarters. After the game ended he collapsed. He had to have emergency brain surgery shortly after he arrived at the hospital, and that was followed by a second emergency brain surgery. It is his story which has been a catalyst for this bill. The Brain Injury Association, the Center for Disease Control, and the Seattle Seahawks are partnering on an educational prevention program. As part of that effort, clipboards have been distributed to all the coaches in the state. On the back of the clipboards, there is information about head injuries and concussions, including the important concept that everyone needs to know, that one can suffer a concussion without losing consciousness. In fact, 90 percent of concussions that carry a risk of traumatic brain injury are without loss of consciousness. This is not just a football problem, but a problem in all sports. Brains need time to recover from a concussion. During the recovery time brains are very vulnerable. Different parts of the brain are affected in different people so that symptoms are not necessarily the same. The recovery period for young people is longer than it is for older people. If a person suffers too many concussions, there can be long term consequences even when there has been recovery from each individual concussion. With a second or subsequent concussion, there is more likely to be blood accumulations in the brain and, with the second impact, swelling can occur. With the right care and time to recover, severe injuries and death can be prevented. Coaches are often pressured by parents, athletes, and others to return a player to a game. This pressure will be relieved because there is a mandate that the player be removed and not returned without a licensed health care provider's okay. The WIAA is already geared up to implement the education components. This will ensure the education and involvement of school and community youth sports programs. The majority of games played by youth sports programs are on public fields, many of them school owned fields. The highest number of such injuries actually occurs in girls' soccer. By imposing these requirements with respect to school property, about 80-90 percent of all sports activities will be covered. In addition, there will be cross-pollination of information to some of the groups and parents that otherwise might

not be covered because children frequently play more than one sport. Information learned in one sport by a parent can be shared with parents of children in an unrelated sport. Correct information and consistent training with respect to head injuries and concussions are needed. Zackery's injury was preventable. Coaches and parents need to have this information so that similar injuries don't occur. This bill has the potential to make monumental change.

(Opposed) None.

**Persons Testifying:** Representative Rodne, prime sponsor; Richard Adler, Brain Injury Association of Washington; Stan Herring, University of Washington; Andrew Goss, Washington State Athletic Trainers Association; Mike Colbrese, Washington Interscholastic Activities Association; Doug Andreassen, Washington Youth Soccer Association; Richard Langum, Canfield and Associates; and Zackery and Victor Lystedt.

**Persons Signed In To Testify But Not Testifying:** None.