

**EHB 1824** - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/02/2009

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. On a yearly basis, a

1 concussion and head injury information sheet shall be signed and  
2 returned by the youth athlete and the athlete's parent and/or guardian  
3 prior to the youth athlete's initiating practice or competition.

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

7 (4) A youth athlete who has been removed from play may not return  
8 to play until the athlete is evaluated by a licensed health care  
9 provider trained in the evaluation and management of concussion and  
10 receives written clearance to return to play from that health care  
11 provider. The health care provider may be a volunteer. A volunteer  
12 who authorizes a youth athlete to return to play is not liable for  
13 civil damages resulting from any act or omission in the rendering of  
14 such care, other than acts or omissions constituting gross negligence  
15 or willful or wanton misconduct.

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

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

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