

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

193S0087

SENATE ENGROSSED NO. **SB 149** - 2/23/2011

Introduced by: Senators Schlekeway, Begalka, Cutler, Garnos, Gray, Heineman, Hunhoff (Jean), Johnston, Kraus, Krebs, Lederman, Nygaard, Rave, Sutton, Tidemann, and Tieszen and Representatives Wink, Abdallah, Blake, Bolin, Gosch, Hoffman, Jones, Lucas, Lust, Magstadt, Munsterman, Sigdestad, Sly, Steele, Stricherz, Tornow, Tulson, Van Gerpen, and Wick

1 FOR AN ACT ENTITLED, An Act to establish policies for youth athletes with concussions  
2 resulting from participation in youth athletic activities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The South Dakota High School Activities Association, in concert with the Department of  
7 Education, shall develop guidelines to inform and educate member schools, coaches, athletes,  
8 and the parents or guardians of athletes, of the nature and risk of concussion, including  
9 continuing to play after sustaining a concussion. A concussion information sheet shall be signed  
10 and returned by any athlete who seeks to compete in activities sanctioned by the South Dakota  
11 High School Activities Association and the athlete's parent or guardian prior to the athlete's  
12 participation in any youth athletic activities sanctioned by the South Dakota High School  
13 Activities Association. A signed information sheet is effective for one academic year.



1 The guidelines and information sheet shall include protocols and content consistent with  
2 current medical knowledge for informing and educating each member school, coach, and athlete  
3 participating in athletic activities sanctioned by the South Dakota High School Activities  
4 Association, and the athlete's parent or guardian as to:

- 5 (1) The nature and risk of concussions associated with athletic activity;
- 6 (2) The signs, symptoms, and behaviors consistent with a concussion;
- 7 (3) The need to alert appropriate medical professionals for urgent diagnosis or treatment  
8 if an athlete is suspected to have received a concussion; and
- 9 (4) The need to follow proper medical direction and protocols for treatment and return  
10 to play after an athlete sustains a concussion.

11 Section 2. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The South Dakota High School Activities Association and the South Dakota Department  
14 of Education shall develop a training program consistent with section 1 of this Act. Each coach  
15 participating in athletic activities sanctioned by the South Dakota High School Activities  
16 Association shall complete the training program each academic year.

17 Section 3. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 An athlete shall be removed from participation in any athletic activity sanctioned by the  
20 South Dakota High School Activities Association at the time the athlete:

- 21 (1) Exhibits signs, symptoms, or behaviors consistent with a concussion; or
- 22 (2) Is suspected of sustaining a concussion.

23 Section 4. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 No athlete who has been removed from participation in an athletic activity sanctioned by the  
2 South Dakota High School Activities Association may return to athletic activities until the  
3 athlete:

- 4 (1) No longer exhibits signs, symptoms, or behavior consistent with a concussion; and
- 5 (2) Receives an evaluation by a licensed health care provider trained in the evaluation  
6 and management of concussions and receives written clearance to return to play from  
7 such health care provider.

8 Section 5. For the purposes of this Act, a licensed health care provider is a person who is:

- 9 (1) Registered, certified, licensed, or otherwise recognized in law by the State of South  
10 Dakota to provide medical treatment; and
- 11 (2) Trained and experienced in the evaluation, management, and care of concussions.

12 Section 6. That chapter 13-36 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 This Act does not create any liability for, or create any cause of legal action against, a  
15 school, a school district, or any officer or employee of a school or school district.