

FIRST REGULAR SESSION

# HOUSE BILL NO. 387

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WYATT (Sponsor), FRANKLIN, LICHTENEGGER,  
FITZWATER AND JONES (63) (Co-sponsors).

0751L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to youth athlete brain injuries.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.752, to read as follows:

**167.752. 1. The provisions of this section shall be known as the "Youth Athlete Brain Injury Prevention Act". The state board of education and the school board of each school district shall work in concert with the Missouri State High School Activities Association to develop guidelines and other pertinent information and forms to inform and educate coaches, trainers, instructors, health care volunteers, youth athletes, and the parents or guardians of youth athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete, the athlete's parent or guardian, and the school's health care volunteer prior to the youth athlete's initiating practice or competition.**

**2. A youth athlete who is suspected for sustaining a concussion or head injury in a practice or game shall be removed from competition at that time and shall not return to play until the requirements of subsection 3 of this section are met.**

**3. A coach, trainer, or instructor may allow a youth athlete who has been prohibited from practicing in a game or practice under subsection 2 of this section to**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **participate in such activity no sooner than one day after the youth athlete received a brain**  
17 **injury and only after the youth athlete:**

18 **(1) No longer exhibits any sign, symptom, or behavior consistent with brain injury;**  
19 **and**

20 **(2) Is evaluated by a licensed health care provider not related to the youth athlete**  
21 **who is trained in the evaluation and management of concussion, and receives written**  
22 **clearance to return to play from that health care provider.**

23

24 **The health care provider authorizing a youth athlete's return to play may be a volunteer.**  
25 **A volunteer health care provider may evaluate a youth athlete in the provider's usual**  
26 **business setting or elsewhere, but in order to qualify as a volunteer under this section, the**  
27 **provider must make it clear at the time of the evaluation that the evaluation is being**  
28 **conducted for no charge. A volunteer who authorizes a youth athlete to return to play is**  
29 **not liable for civil damages resulting from any act or omission in the rendering of such**  
30 **care, other than acts or omissions constituting gross negligence or willful or wanton**  
31 **misconduct.**

32 **4. A coach, trainer, instructor, or volunteer for a youth athletic activity shall not**  
33 **encourage or permit a youth participating in the activity to engage in any unreasonably**  
34 **dangerous athletic technique that unnecessarily endangers the health of a youth athlete,**  
35 **including using a helmet or any other sports equipment as a weapon.**

36 **5. Each school district shall ensure that each coach, trainer, or instructor**  
37 **participating in school athletic activities in the school district receives training under**  
38 **subsection 6 of this section.**

39 **6. The Missouri State High School Activities Association shall consult with the**  
40 **Missouri head injury advisory council established in section 192.745, and the state**  
41 **department of education and individual school districts, to promulgate rules to establish:**

42 **(1) Protocols and content consistent with current medical knowledge for training**  
43 **each coach, trainer, or instructor participating in school athletic activities to:**

44 **(a) Understand the nature and risk of brain injury associated with athletic activity;**

45 **(b) Recognize signs, symptoms, or behaviors consistent with a brain injury when**  
46 **a coach, trainer, or instructor suspects or observes that a youth athlete has received a brain**  
47 **injury;**

48 **(c) Understand the need to alert appropriate medical professionals for urgent**  
49 **diagnosis or treatment; and**

50 **(d) Understand the need to follow medical direction for proper medical protocols;**  
51 **and**

52           (2) The nature and content of brain injury information forms and educational  
53 materials for and the means of providing these forms and materials to coaches, trainers,  
54 instructors, youth athletes, and youth athletes' parents or guardians regarding the nature  
55 and risk of brain injury resulting from athletic activity, including the risk of continuing  
56 or returning to athletic activity after a brain injury.

57           7. Notwithstanding any law to the contrary, the guidelines established by the  
58 Missouri State High School Activities Association in concert with the state board of  
59 education and local school districts under this section shall be followed by city youth sport  
60 leagues located in each school district. All youth athletes participating in a city-sponsored  
61 recreation or competitive sports league, regardless of age, shall be subject to such head  
62 injury guidelines.

63           8. A school district shall not be liable for an injury to or the death of a person due  
64 to action or inaction of persons employed by, or under contract with, a youth sport league  
65 if:

66           (1) The action or inaction takes place on school property and during the delivery  
67 of services of the youth sport league;

68           (2) The private nonprofit group provides proof of being insured, under an accident  
69 and liability policy issued by an insurance company authorized to do business in the state,  
70 that covers any injury or damage arising from delivery of its services. Coverage for a  
71 policy meeting the requirements of this section must be at least fifty thousand dollars due  
72 to bodily injury or death of one person, or at least one hundred thousand dollars due to  
73 bodily injury or death of two or more persons in any incident; and

74           (3) The group provides proof of such insurance before the first use of the school  
75 facilities. The immunity granted shall last only as long as the insurance remains in effect.

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77 The provisions of this subsection shall not impair or change the ability of any person to  
78 recover damages for harm done by:

79           (1) Any contractor or employee of a school district acting in his or her capacity as  
80 a contractor or employee; or

81           (2) The existence of unsafe facilities or structures or programs of any school  
82 district.

83           9. Nothing in this section shall be construed to waive liability or immunity of a  
84 school district or its officers or employees. This section shall not create any liability for a  
85 course of legal action against a school district, its officers, or employees.

86           10. A person who volunteers to assist with a youth athletic activity shall not be  
87 liable for civil damages arising out of any act or omission relating to the requirements of

88 **this section, unless such person is willfully or wantonly negligent in his or her act or**  
89 **omission.**

90 **11. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
91 **created under the authority delegated in this section shall become effective only if it**  
92 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
93 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
94 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
95 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
96 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**  
97 **shall be invalid and void.**

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