

HB 387 -- Youth Athlete Brain Injury Prevention Act

Sponsor: Wyatt

This bill establishes the Youth Athlete Brain Injury Prevention Act which requires the State Board of Education within the Department of Elementary and Secondary Education and each school board to work with the Missouri State High School Activities Association (MSHSAA) to develop guidelines, information, and forms for coaches, trainers, instructors, health care volunteers, and youth athletes and their parents or guardians on the nature and risk of concussions and head injuries, including continuing to play after a concussion or head injury. An information sheet must be signed by the youth athlete, his or her parent or guardian, and the school's health care volunteer each year before a student athlete can practice or compete.

An athlete suspected of sustaining a concussion or head injury must be removed from competition until the youth athlete has not participated in the activity for at least one day after the brain injury and only after he or she no longer exhibits any sign, symptom, or behavior consistent with brain injury; is evaluated by a licensed health care provider who is not related to the youth athlete and is trained in the evaluation and management of concussions; and receives a written clearance from the provider to return to play. A volunteer health care provider who authorizes a youth athlete to return to play will not be civilly liable for damages resulting from any act or omission in rendering the care except in the case of gross negligence or willful or wanton misconduct.

A coach, trainer, instructor, or volunteer for a youth athletic activity is prohibited from encouraging or allowing a youth athlete from engaging in any unreasonably dangerous athletic technique that unnecessarily endangers the health of the athlete.

Each school district must ensure that each coach, trainer, or instructor participating in school athletics receives training as determined by MSHSAA in collaboration with the Department of Education and the Missouri Head Injury Advisory Council which includes specified guidelines. A city youth sports league and the youth athletes participating in a city-sponsored sports league must be subject to the guidelines. A school district will not be liable for an injury or the death of a person involved in a youth sports league under certain specified circumstances.

These provisions cannot be construed to waive liability or immunity or create any liability for a course of legal action against a school district. A person who volunteers to assist with a youth athletic activity cannot be liable for civil damages

for actions taken to fulfill the requirements for treating a youth athlete's brain injury unless the person is willfully or wantonly negligent in his or her act or omission.