

New Minnesota Concussion Law

Youth Sports Activities

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Disclaimer

This material is provided as general information and is not a substitute for legal advice.

Consult your attorney for advice concerning specific situations.

Who Must Provide Information and Training on Concussions

- Schools
 - Municipalities
 - Businesses
 - Nonprofit organizations
 - Anyone that:
 - Organizes youth athletic activity
- AND**
- Charges a fee for youth athletic activity

What Does “Organize” Mean

- Not clearly defined in statute
- Yes, if:
 - Providing coaches or officials

What Does “Organize” Mean

- Probably yes, if:
 - Supervisors
 - Advertising the event or activity
 - Provide equipment or supplies

What Does “Organize” Mean

- Maybe no, if:
 - Open gym
 - Only provides use of facilities
- Written agreement transferring responsibility to other organizer– good idea

What Type of Sports or Activities

- **All** youth (18 under) athletic activities
- Related to competition, practice or training exercises

AND

- With a coach or official present in an official capacity as coach or official
- Yoga, swimming, dance?– Probably yes

Volunteer Coaches/Officials

- If a fee is charged for activity, the law applies
- Even if using volunteer coaches/officials

Information/Training To Be Provided

- INFORMATION
 - Must make information accessible to all participating
 - Coaches
 - Officials
 - The youth athletes
 - Their parents or guardians
 - About the nature and risk of concussions

AND

Information/Training To Be Provided

- TRAINING
 - Require all participating coaches and officials to receive initial online training on the nature and risk of concussions
 - Repeat training every 3 years

Training To Be Provided

- Must be consistent with training provided by CDC
 - Must address:
 1. Nature and risk of concussions associated with athletic activity
- AND
2. The signs, symptoms, and behaviors consistent with a concussion

AND

Training To Be Provided

3. The need to alert appropriate medical professionals for urgent diagnoses and treatment when a youth athlete is suspected or observed to have received a concussion

AND

4. The need for youth athlete who sustained a concussion to follow proper medical directions and protocols for treatment before returning to play

Training To Be Provided

- May use free online course and credible information on the CDC website
- ***Heads Up: Concussion In Youth Sports***
www.cdc.gov/concussion/HeadsUp/youth.html
- Have coaches and officials print certificates demonstrating completion and also file them with you

Record Keeping

- Maintain copies of materials provided to parents and participants
- Maintain copies of agreements with other organizers to use facilities
- Maintain copies of coaches and officials certificates of compliance

Coaches/Officials Action Requirements

- In addition to training
- Must also remove youth athlete from participating in activities when:
 - Youth exhibit signs, symptoms or behaviors consistent with a concussion, OR
 - The youth is suspected of sustaining a concussion

Coaches/Officials Action Requirements

- When a youth is removed from participating because of concussion, the youth athlete may not again participate in the activity until the athlete:
 - No longer exhibits signs, symptoms or behaviors consistent with a concussion, AND
 - Is evaluated by a provider trained and experienced in evaluating and managing concussions, AND
 - Healthcare provider gives the youth athlete written permission to again participate in the activity

Liability

- The new law does not create any additional liability for (or create any new cause of legal action against), an organizer of youth activities
- The new law does not alter immunities given to volunteer coaches, managers, officials, physicians, or certified athletic trainers under Minnesota law

Liability

- Minnesota law currently protects volunteer coaches, managers, officials, physicians, or certified athletic trainers from liability from the players, participants or spectators for injuries during sporting events
- New concussion law specifically maintains these protections for coaches, managers, officials, physicians, or certified athletic trainers, even if he/she fails to remove a youth athlete from an activity after concussion is suspected

Statutory References

NEW CONCUSSION LAW

- Chapter 90, 2011 Session Laws
- Minnesota Statutes Section 121A.37-38
- Senate File 612

IMMUNITY LAW

- Minnesota Statute Section 604.A.11

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