

Stricken language would be deleted from and underlined language would be added to present law.
Act 1435 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S4/11/13 H4/17/13

A Bill

SENATE BILL 1158

By: Senator D. Sanders

By: Representative Deffenbaugh

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS CONCUSSION PROTOCOL
ACT; AND FOR OTHER PURPOSES.

Subtitle

THE ARKANSAS CONCUSSION PROTOCOL ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended to add an additional section to read as follows:

6-18-709. Student athlete concussion education.

(a)(1) As used in this section, "youth athletic activity" means an organized athletic activity in which the participants, a majority of whom are under nineteen (19) years of age, are engaged in an athletic game or competition against another team, club, or entity, or in practice or preparation for an organized athletic game or competition against another team, club, or entity.

(2) "Youth athletic activity" does not include a college or university activity or an activity that is incidental to a nonathletic program.

(b) The General Assembly finds that:

(1)(A) Concussion is one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities.

(B) The Centers for Disease Control and Prevention estimates that as many as three million nine hundred thousand (3,900,000)



sports-related and recreation-related concussions occur in the United States each year.

(C) A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull.

(D) The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed;

(2)(A) Concussion is a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works.

(B) Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles.

(C) Concussions can occur with or without loss of consciousness, but the vast majority occur without loss of consciousness;

(3) Continuing to participate in a youth athletic activity after sustaining a concussion or exhibiting symptoms of head injury leaves the youth athlete especially vulnerable to greater injury and even death;

(4) Despite the existence of generally recognized return-to-play standards for concussion and head injury, some affected youth athletes are prematurely returned to play, resulting in a risk of further physical injury or death to youth athletes in the State of Arkansas;

(5) The Arkansas Activities Association is a recognized national leader in the development and implementation of concussion protocols for student athletes in grades 7-12; and

(6) It is necessary to establish concussion protocols substantially similar to those developed and implemented by the Arkansas Activities Association to protect all student athletes in Arkansas.

(c) The Department of Health shall develop concussion protocols substantially similar to those developed and implemented by the Arkansas Activities Association to protect all youth athletes engaged in youth athletic activities in Arkansas.

(d) Guidelines developed under this section shall include:

(1) Pertinent information and forms to inform and educate coaches, youth athletes, and the parents or guardians of youth athletes of the nature and risks of concussions and head injuries including the risks of continuing to play after a concussion or head injury;

(2) A requirement that the person operating a youth athletic activity annually shall distribute a concussion and head injury information sheet to each person who intends to participate in the youth athletic activity;

(3) A requirement that a person shall not participate in a youth athletic activity unless the person returns the information sheet signed by the person and, if he or she is under eighteen (18) years of age, by his or her parent or guardian; and

(4)(A) A requirement that a youth athlete who is suspected of sustaining a concussion or who has had an injury in a game, an activity, or a practice for a game shall be removed from the game, activity, or practice at that time.

(B)(i) A youth athlete who has been removed under this subdivision (4) shall not return to play until the athlete is evaluated by a licensed healthcare provider trained in the evaluation and management of concussions and receives written clearance to return to play from that healthcare provider.

(ii)(a) The healthcare provider may be a volunteer.

(b) A volunteer under subdivision

(d)(4)(B)(ii)(a) of this section who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of care other than acts or omissions constituting gross negligence or willful or wanton misconduct.

/s/D. Sanders

APPROVED: 04/22/2013