

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/11/19  
**A Bill**

HOUSE BILL 1621

By: Representative Dotson  
By: Senator Bledsoe

### **For An Act To Be Entitled**

AN ACT CONCERNING OPTIMAL HEALTH FOR YOUTH; TO CREATE  
THE PRIMARY PREVENTION PROGRAMS ACT; AND FOR OTHER  
PURPOSES.

### **Subtitle**

TO CREATE THE PRIMARY PREVENTION PROGRAMS  
ACT.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Research shows that the earlier an individual engages in risk behaviors, the more prone that individual is to addiction, unhealthy relationship development, and long-term negative life consequences;

(2) Primary prevention and risk avoidance strategies help youth to develop personal efficacy, refusal skills, boundary and goal-setting skills, healthy relationships;

(3) Providing skills that encourage a delayed initiation into or avoidance of participation in risk behaviors also delays initiation into and encourages cessation of other risk behaviors;

(4) Intentional repetition of a primary prevention message is important in order to continually reinforce a healthy lifestyle; and

(5) A primary prevention strategy should be the statewide health and educational approach when addressing and preventing youth participation in risk behaviors.



SECTION 2. Arkansas Code Title 20, Chapter 8, is amended to add an additional subchapter to read as follows:

Subchapter 9 – Primary Prevention Programs Act

20-8-901. Title.

This subchapter shall be known and may be cited as the "Primary Prevention Programs Act".

20-8-902. Definitions.

As used in this subchapter:

(1) "At-risk youth" means individuals in grades kindergarten through twelve (K-12) who has a greater vulnerability for risk behaviors;

(2) "Client" means the intended audience of a primary prevention and risk avoidance program;

(3) "Culturally appropriate" means effective for communicating with people of different cultures, including without limitation people of different races and ethnicities;

(4) "Developmentally appropriate" means:

(A) Suited to the physical, intellectual, and emotional development of an adolescent; and

(B) Taking into consideration the following:

(i) During adolescence, physical changes happen at an increased rate;

(ii) At the same time, adolescents experience cognitive, social, emotional, and interpersonal changes that must be addressed as part of a primary prevention strategy; and

(iii) Although all youth have individual personalities and individual interests, many adolescents face similar developmental issues during early, middle, and late adolescence that must be addressed at the appropriate times;

(5) "Evidence-based" means founded on:

(A) Principles and concepts supported by research;

(B) Practical strategies learned from experience; and

(C) Practices consistent with client needs and circumstances;

(6) "Evidence-informed" means incorporating available evidence, practice, and experience to determine what works in a given, practical setting;

(7)(A) "Optimal health" means the following aspects of health without limitation:

(i) Physical health, which refers to the physiological way an individual's body functions;

(ii) Emotional health, which includes without limitation an individual's ability to calmly cope with unpleasant emotions and remain aware of the individual's and others' feelings;

(iii) Social health, which refers to the quality of an individual's relationships with the individual's family, friends, and others with whom the individual interacts;

(iv) Mental health, which includes without limitation an individual's ability to recognize reality and cope with the demands of daily life while maintaining self-esteem and self-respect; and

(v) Spiritual health, which refers to an individual's choice to live his or her life in accordance to his or her ethics, morals, values, and in harmony with his or her environment and others that surround him or her.

(B) "Optimal health" is not limited to the absence of disease;

(8) "Primary prevention strategy" means a plan of action that utilizes a prevention-first educational approach to risk behavior that:

(A) Employs strategies that prevent risk behaviors and assist with the transition of youth from risk behavior lifestyles and habits to risk-free lifestyles and habits before negative health effects occur; and

(B) Includes primarily content that prioritizes a risk avoidance message;

(9) "Proven effective" means that a program, project, approach, or practice has been recognized as evidence-based or evidence-informed by a credible federal or state education or health entity;

(10) "Risk avoidance strategy" means a plan of action that:

(A) Encourages students to voluntarily avoid or refrain from risk behaviors and eliminate all associated risks of those behaviors; and

(B) Educates students about the optimal health of an individual and the societal benefits associated with:

- (i) Personal responsibility;
- (ii) Personal efficacy;
- (iii) Goal setting;
- (iv) Health decision-making;
- (v) A focus on the future; and
- (vi) Healthy relationship development;

(11) "Risk behavior" includes without limitation the following:

- (A) Smoking;
- (B) Consuming alcohol;
- (C) Abusing drugs;
- (D) Early initiation into sexual activity;
- (E) Participating in a sexually active lifestyle while under the age of legal consent;

(F) Engaging in or having experienced:

- (i) Dating violence; or
- (ii) Sexual violence; and

(G) Participating in illegal activities such as:

(i) Misusing technology and social media, which includes without limitation the following:

(a) Blackmailing another person with pictures or information gained through technology or social media;

(b) Cyberbullying, as defined in § 5-71-2017;

and

(c) Sexting, as defined in § 5-27-609; and

(ii)(a) Bullying.

(b) A primary prevention program shall address the:

(1) Behaviors of a teen who is bullying another person; and

(2) Effects of bullying on a teen who is being bullied by another person;

(12) "Secondary prevention strategy" means a plan of action that encourages reducing risks associated with risk behaviors; and

(13) "Strength-based" means founded on the following:

(A) A positive youth development approach that builds on a person's existing strengths, skills, and external assets;

(B) Medically accurate information that is supported by research by medical, psychological, scientific, governmental, or public health publications, organizations, or agencies; and

(C) Evidence-based or evidence-informed practice; and

20-8-903. Primary prevention and risk avoidance programs.

(a)(1) If an education program concerning risk behavior is provided to a youth by or through a state agency or public school, the education program shall utilize a primary prevention and risk avoidance program.

(2) Secondary prevention strategies that focus on risk reduction rather than risk avoidance may be used only after a primary prevention and risk avoidance strategy has been used.

(b)(1) A state agency or public school may partner or contract with a person, firm, corporation, or other organization to provide a primary prevention and risk avoidance program or training under this subchapter.

(2) In order to ensure consistency among primary prevention strategies across the state, a program partner or contracted provider shall receive training from a trainer that shall:

(A) Have experience in providing primary prevention and risk avoidance programs;

(B) Have a reference from one (1) or more school districts;

(C) Have as its foundation programming based on:

(i) Risk avoidance;

(ii) Evidence-based information; or

(iii) Evidence-informed information; and

(D) Have at least five (5) years of experience in:

(i) Training;

(ii) Implementing programs in the classroom and the community; and

(iii) Collaborating with one (1) or more school districts and one (1) or more communities.

*/s/Dotson*