

1 State of Arkansas *As Engrossed: S4/11/13 H4/17/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 1158

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5 By: Senator D. Sanders

6 *By: Representative Deffenbaugh*

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For An Act To Be Entitled

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AN ACT TO CREATE THE ARKANSAS CONCUSSION PROTOCOL

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ACT; AND FOR OTHER PURPOSES.

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12

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Subtitle

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THE ARKANSAS CONCUSSION PROTOCOL ACT.

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

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SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended

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to add an additional section to read as follows:

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6-18-709. Student athlete concussion education.

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(a)(1) As used in this section, "youth athletic activity" means an

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organized athletic activity in which the participants, a majority of whom are

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under nineteen (19) years of age, are engaged in an athletic game or

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competition against another team, club, or entity, or in practice or

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preparation for an organized athletic game or competition against another

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team, club, or entity.

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(2) "Youth athletic activity" does not include a college or

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university activity or an activity that is incidental to a nonathletic

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program.

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(b) The General Assembly finds that:

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(1)(A) Concussion is one of the most commonly reported injuries

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in children and adolescents who participate in sports and recreational

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activities.

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(B) The Centers for Disease Control and Prevention

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estimates that as many as three million nine hundred thousand (3,900,000)



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

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

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

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

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

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

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

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

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

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

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

32 (d) Guidelines developed under this section shall include:

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

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

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

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

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

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

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

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25 /s/D. Sanders
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28 **APPROVED: 04/22/2013**
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