

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

As Engrossed: S4/11/13

# A Bill

SENATE BILL 1158

4  
5 By: Senator D. Sanders

## For An Act To Be Entitled

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

### Subtitle

12 THE ARKANSAS CONCUSSION PROTOCOL ACT.

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

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

20 *6-18-709. Student athlete concussion education.*

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

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

30 *(b) The General Assembly finds that:*

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

34 *(B) The Centers for Disease Control and Prevention*  
35 *estimates that as many as three million nine hundred thousand (3,900,000)*  
36 *sports-related and recreation-related concussions occur in the United States*



1 each year.

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) A requirement that the person operating a youth athletic

1 activity annually shall distribute a concussion and head injury information  
2 sheet to each person who intends to participate in the youth athletic  
3 activity;

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

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

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

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

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

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24 /s/D. Sanders  
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