

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1621

4
5 By: Representative Dotson
6 By: Senator Bledsoe

For An Act To Be Entitled

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

Subtitle

14
15 TO CREATE THE PRIMARY PREVENTION PROGRAMS
16 ACT.

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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. DO NOT CODIFY. Legislative findings.

22 The General Assembly finds that:

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

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

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

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

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



1
 2 SECTION 2. Arkansas Code Title 20, Chapter 8, is amended to add an
 3 additional subchapter to read as follows:

4 Subchapter 9 – Primary Prevention Programs Act

5
 6 20-8-901. Title.

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

9
 10 20-8-902. Definitions.

11 As used in this subchapter:

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

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

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

19 (4) "Developmentally appropriate" means:

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

22 (B) Taking into consideration the following:

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

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

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

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

33 (A) Principles and concepts supported by research;

34 (B) Practical strategies learned from experience; and

35 (C) Practices consistent with client needs and
 36 circumstances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 (A) Smoking;
- 11 (B) Consuming alcohol;
- 12 (C) Abusing drugs;
- 13 (D) Early initiation into sexual activity;
- 14 (E) Participating in a sexually active lifestyle while
 15 under the age of legal consent;
- 16 (F) Engaging in or having experienced:
 - 17 (i) Dating violence; or
 - 18 (ii) Sexual violence; and
- 19 (G) Participating in illegal activities such as:

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

- 22 (a) Blackmailing another person with pictures
 23 or information gained through technology or social media;
- 24 (b) Cyberbullying, as defined in § 5-71-2017;
- 25 and
- 26 (c) Sexting, as defined in § 5-27-609; and
- 27 (ii)(a) Bullying.

28 (b) A primary prevention program shall address
 29 the:

- 30 (1) Behaviors of a teen who is bullying
 31 another person; and
- 32 (2) Effects of bullying on a teen who is
 33 being bullied by another person;

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

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

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

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

6 (C) Evidence-based or evidence-informed practice; and
7

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

9 (a)(1) If an education program concerning risk behavior is provided to
10 a youth by an entity that receives state funds, including without limitation
11 a state agency or public school, the education program shall utilize a
12 primary prevention and risk avoidance program.

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

16 (b)(1) An entity that receives state funds may partner or contract
17 with a person, firm, corporation, or other organization to provide a primary
18 prevention and risk avoidance program or training under this subchapter.

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

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

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

26 (C) Have as its foundation programming based on:

27 (i) Risk avoidance;

28 (ii) Evidence-based information; or

29 (iii) Evidence-informed information; and

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

31 (i) Training;

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

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