

CS FOR HOUSE BILL NO. 15(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/11/11

Referred: Rules

Sponsor(s): REPRESENTATIVES DOOGAN, Kerttula, Johnson, Muñoz, Gruenberg, Lynn, Tuck, Gara, Millett, Guttenberg, Costello, Holmes, Peggy Wilson, Johansen

SENATORS McGuire, Dyson, Davis, Paskvan, Meyer

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to prevention and evaluation of and liability for concussions in student**
2 **athletes."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **CONCUSSIONS IN STUDENT ATHLETES; FINDINGS.** The legislature finds that

7 (1) concussions rank among the most commonly reported traumatic brain
8 injuries in children and adolescents who participate in sports and recreational activities;

9 (2) the United States Centers for Disease Control and Prevention estimates
10 that as many as 3,900,000 concussions occur each year in the United States as a result of
11 sports and recreational activities;

12 (3) a concussion is caused by a blow to or jarring of the head or body that
13 causes the brain to move rapidly inside the skull, resulting in a mild to severe traumatic brain
14 injury, which may occur with or without loss of consciousness, and may disrupt normal brain

1 function;

2 (4) a concussion may occur during an organized or unorganized sport or
3 recreational activity as a result of a fall or from players colliding with each other or another
4 obstacle;

5 (5) the risk of catastrophic injury or death from a concussion or other head
6 injury increases when the injury is not properly evaluated and managed, and the athlete is
7 allowed to continue to participate in sports or recreational activities following the concussion;

8 (6) although voluntary nationwide guidelines for managing concussion in
9 sports recommend assessing concussions on an individual basis, with gradual return to play,
10 athletes continue to be returned to play prematurely, putting them at risk for greater injury or
11 death.

12 * **Sec. 2.** AS 14.30 is amended by adding new sections to article 3 to read:

13 **Sec. 14.30.142. Concussions in student athletes: prevention and reporting.**

14 (a) The governing body of a school district shall consult with the Alaska School
15 Activities Association to develop and publish guidelines and other information to
16 educate coaches, student athletes, and parents of student athletes regarding the nature
17 and risks of concussions. Guidelines developed under this section must include a
18 description of the risks of return to play and standards for return to play, including the
19 procedures required under (c) and (d) of this section.

20 (b) A school shall annually provide to a student and the parent or guardian of a
21 student who is under 18 years of age written information on the nature and risks of
22 concussions. A student may not participate in school athletic activities unless the
23 student and the parent or guardian of a student who is under 18 years of age have
24 signed a verification of receipt of the information required under this subsection.

25 (c) A student who is suspected of having sustained a concussion during a
26 practice or game shall be immediately removed from the practice or game.

27 (d) A student who has been removed from participation in a practice or game
28 for suspicion of concussion may not return to play until the student has been evaluated
29 and cleared for participation in writing by a qualified person who has received training
30 and is currently certified, as verified in writing or electronically by the qualified
31 person, in the evaluation and management of concussions. In this subsection,

1 "qualified person" means either a

2 (1) health care provider who is licensed in the state or exempt from
3 licensure under state law; or

4 (2) person who is acting at the direction and under the supervision of a
5 physician who is licensed in the state or exempt from licensure under
6 AS 08.64.370(1), (2), or (4).

7 (e) A person who conducts an evaluation under (d) of this section and who is
8 not paid for conducting the evaluation may not be held liable for civil damages
9 resulting from an act or omission during the evaluation, except that the person may be
10 held liable for reckless or intentional misconduct and for gross negligence.

11 **Sec. 14.30.143. Concussions in student athletes: school district immunity.**

12 (a) A school district may not be held liable for an injury to or the death of a person
13 caused by a concussion and resulting from the action or inaction of a person employed
14 by or under contract with a nonprofit youth organization if

15 (1) the action or inaction occurred during the delivery of services by
16 the district or organization in compliance with AS 14.30.142;

17 (2) the organization is under contract with the district to provide the
18 services; and

19 (3) before the provision of services, the organization provided to the
20 district written verification of

21 (A) a valid insurance policy covering the injury or death in an
22 amount not less than \$50,000 for each person and \$100,000 for each incident;

23 (B) compliance with the protocol for prevention and reporting
24 of concussions required in AS 14.30.142.

25 (b) This section may not be construed to impair or modify the ability of a
26 person to recover damages for harm caused by the negligent or reckless actions of an
27 employee or contractor of a school district or by the existence of a condition,
28 equipment, program, or structure known by the school district or organization to be
29 unsafe.

30 (c) In this section, "youth organization" means a public or private entity
31 qualified to do business in the state that provides a program or service to persons

1 under 19 years of age.