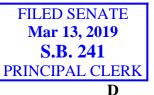
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019



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SENATE BILL DRS35082-MK-26

Short Title:	Concussion Protocol/County Recreation.	(Public)
Sponsors:	Senators D. Davis, Hise, and Krawiec (Primary Sponsors).	
Referred to:		

1 A BILL TO BE ENTITLED 2 AN ACT TO PROVIDE THAT A COUNTY OR MUNICIPAL RECREATION PROGRAM TAKE PRECAUTIONS TO ENSURE THE SAFETY AND WELL-BEING OF ACTIVITY 3 4 PARTICIPANTS. INCLUDING PROVIDING CONCUSSION AWARENESS 5 INFORMATION AND A RESPONSE PROTOCOL FOR CERTAIN ATHLETIC 6 ACTIVITIES. 7 Whereas, a concussion is a type of traumatic brain injury that can have a serious effect 8 on a young, developing brain; and Whereas, some children and teens with a concussion will have concussion symptoms 9 10 that last for days, weeks, or even months and, if the brain is not given enough time to heal, the 11 repercussions can be dangerous, including a slower recovery and increased risk of serious, 12 long-term health problems; and 13 Whereas, a concussion may result in changes in how a child or teen thinks, feels, and 14 acts, as well as impact the ability to learn and remember and, particularly in the case of repeat 15 concussions, may result in brain swelling, permanent brain damage, or death; and Whereas, Chronic Traumatic Encephalopathy (CTE) is a degenerative brain disease 16 17 found in athletes with a history of repetitive hits to the head sustained over a period of years, with possible symptoms of impulse control problems, aggression, depression, and paranoia appearing 18 years after the onset of head impacts that may eventually lead to memory loss, confusion, 19 20 impaired judgment, and progressive dementia; and 21 Whereas, research studies have shown that exposure to head impacts before age 12 is associated with worse outcomes associated with CTE than those experienced after age 12; and 22 23 Whereas, to address the serious public health concern associated with traumatic brain 24 injuries, many states, schools, and sports leagues and organizations, including the North Carolina 25 High School Athletic Association, have created policies or action plans on concussions in youth 26 and high school sports; and 27 Whereas, to protect the safety of student-athletes in North Carolina, the General 28 Assembly passed the Gfeller-Waller Concussion Awareness Act in 2011 to require a response 29 protocol for concussions and return to play restrictions for students participating in 30 interscholastic athletic activity in the public schools; and Whereas, the Centers for Disease Control and Prevention has implemented the 31 32 HEADS UP program to provide information and resources on concussions for parents, health 33 care providers, coaches, athletes, and sports officials; and 34 Whereas, there is currently no statutory requirement for North Carolina county and municipal parks and recreation departments to have concussion awareness information and 35



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response protoco	ls in place, although many children participate in athlet	ic activities on those	
properties that could result in incidences of concussions that are unrecognized and untreated; and			
Where	eas, the General Assembly needs to address the growing j	public health concern	
related to the imp	pact of concussions on youth that participate in athletic ac	tivities in county and	
municipal recreat	tion programs, as well as the public schools; Now, therefo	re,	
The General Ass	embly of North Carolina enacts:		
SECT	FION 1. G.S. 160A-353 reads as rewritten:		
"§ 160A-353. Po)wers.		
In addition to	o any other powers it may possess to provide for the g	eneral welfare of its	
citizens, each cou	inty and city in this State shall have authority to:to do all	of the following:	
(1)	Establish and conduct a system of supervised recreation		
(2)	Set apart lands and buildings for parks, playgrounds, rec	reational centers, and	
	other recreational programs and facilities; facilities.		
(3)	Acquire real property, either within or without the corpo	orate limits of the city	
	or the boundaries of the county, including water and air	•	
	recreation programs and facilities by gift, grant, purcha	se, lease, exercise of	
	the power of eminent domain, or any other lawful metho		
(4)	Provide, acquire, construct, equip, operate, and maintain		
~ /	recreation centers, and recreation facilities, including all		
	and equipment necessary or useful in connection therew	•	
<u>(4a)</u>	Require precautions to ensure the safety and well-being of		
<u> </u>	in county and municipal recreation programs, includin		
	sport in which the participants necessarily come into bo		
	another, that those participants are provided with co	•	
	information and a response protocol in the event of a s		
	The concussion awareness information and respons	-	
	consistent with the rules adopted by the State Boa	-	
	interscholastic athletic activities under G.S. 115C-12(23		
	No program director, employee, or volunteer of a		
	recreation program shall be liable in civil damages to	• •	
	authorized by this subdivision, or for any omission relat		
	that act or omission amounts to gross negligence,		
	intentional wrongdoing.		
(5)	Appropriate funds to carry out the provisions of this Art	icle:Article.	
(6)	Accept any gift, grant, lease, loan, or devise of real or		
(0)	parks and recreation programs. Devises and gifts may		
	subject to such terms and conditions as may be impos	*	
	trustor, except that no county or city may accept or adm		
	require it to discriminate among its citizens on the b	-	
	religion."		
	FION 2. This act becomes effective October 1, 2019.		