

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS45332-MK-128A

Short Title: Concussion Protocol/County Recreation. (Public)

Sponsors: Senators Davis and Hise (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A COUNTY OR MUNICIPAL RECREATION PROGRAM TAKE PRECAUTIONS TO ENSURE THE SAFETY AND WELL-BEING OF ACTIVITY PARTICIPANTS, INCLUDING PROVIDING CONCUSSION AWARENESS INFORMATION AND A RESPONSE PROTOCOL FOR CERTAIN ATHLETIC ACTIVITIES.

Whereas, a concussion is a type of traumatic brain injury that can have a serious effect on a young, developing brain; and

Whereas, some children and teens with a concussion will have concussion symptoms that last for days, weeks, or even months, and, if the brain is not given enough time to heal, the repercussions can be dangerous, including a slower recovery and increased risk of serious, long-term health problems; and

Whereas, a concussion may result in changes in how a child or teen thinks, feels, and acts, as well as impact the ability to learn and remember, and, particularly in the case of repeat concussions, may result in brain swelling, permanent brain damage, or death; and

Whereas, Chronic Traumatic Encephalopathy (CTE) is a degenerative brain disease 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 years after the onset of head impacts that may eventually lead to memory loss, confusion, impaired judgment, and progressive dementia; and

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

Whereas, to address the serious public health concern associated with traumatic brain injuries, many states, schools, and sports leagues and organizations, including the North Carolina High School Athletic Association, have created policies or action plans on concussions in youth and high school sports; and

Whereas, to protect the safety of student-athletes in North Carolina, the General Assembly passed the Gfeller-Waller Concussion Awareness Act in 2011 to require a response protocol for concussions and return to play restrictions for students participating in interscholastic athletic activity in the public schools; and

Whereas, the Centers for Disease Control and Prevention has implemented the HEADS UP program to provide information and resources on concussions for parents, health care providers, coaches, athletes, and sports officials; and

Whereas, there is currently no statutory requirement for North Carolina county and municipal parks and recreation departments to have concussion awareness information and



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1 response protocols in place, although many children participate in athletic activities on those  
2 properties that could result in incidences of concussions that are unrecognized and untreated; and

3 Whereas, the General Assembly needs to address the growing public health concern  
4 related to the impact of concussions on youth that participate in athletic activities in county and  
5 municipal recreation programs, as well as the public schools; Now, therefore,

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160A-353 reads as rewritten:

8 "**§ 160A-353. Powers.**

9 In addition to any other powers it may possess to provide for the general welfare of its  
10 citizens, each county and city in this State shall have authority ~~to~~to do all of the following:

- 11 (1) Establish and conduct a system of supervised ~~recreation;~~recreation.
- 12 (2) Set apart lands and buildings for parks, playgrounds, recreational centers, and  
13 other recreational programs and ~~facilities;~~facilities.
- 14 (3) Acquire real property, either within or without the corporate limits of the city  
15 or the boundaries of the county, including water and air rights, for parks and  
16 recreation programs and facilities by gift, grant, purchase, lease, exercise of  
17 the power of eminent domain, or any other lawful method.
- 18 (4) Provide, acquire, construct, equip, operate, and maintain parks, playgrounds,  
19 recreation centers, and recreation facilities, including all buildings, structures,  
20 and equipment necessary or useful in connection ~~therewith;~~to those facilities.
- 21 (4a) Require precautions to ensure the safety and well-being of activity participants  
22 in county and municipal recreation programs, including, if the activity is a  
23 sport in which the participants necessarily come into bodily contact with one  
24 another, that those participants are provided with concussion awareness  
25 information and a response protocol in the event of a suspected concussion.  
26 Each county and municipal recreation program with such a sports program  
27 shall adopt a plan to address providing participants with concussion awareness  
28 information and implementing concussion response protocols.  
29 No program director, employee, or volunteer of a county or municipal  
30 recreation program shall be liable in civil damages to any party for any act  
31 authorized by this subdivision, or for any omission relating to that act, unless  
32 that act or omission amounts to gross negligence, wanton conduct, or  
33 intentional wrongdoing.
- 34 (5) Appropriate funds to carry out the provisions of this ~~Article;~~Article.
- 35 (6) Accept any gift, grant, lease, loan, or devise of real or personal property for  
36 parks and recreation programs. Devises and gifts may be accepted and held  
37 subject to such terms and conditions as may be imposed by the grantor or  
38 trustor, except that no county or city may accept or administer any terms that  
39 require it to discriminate among its citizens on the basis of race, sex, or  
40 religion."

41 **SECTION 2.** This act becomes effective October 1, 2021.