AN ACT

Relating to prevention and evaluation of and liability for concussions in student athletes.

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

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AN ACT

Relating to prevention and evaluation of and liability for concussions in student athletes.

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

CONCUSSIONS IN STUDENT ATHLETES; FINDINGS. The legislature finds that

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

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

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

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

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

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

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


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

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

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

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

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

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

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


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

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

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

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

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

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

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

(c) In this section, "youth organization" means a public or private entity qualified to do business in the state that provides a program or service to persons
1 under 19 years of age.