

SECTIONAL ANALYSIS

HB 15

An Act relating to prevention and evaluation of and liability for traumatic brain injuries in student athletes.

Section 1: Adds a new section to the uncodified law of the State of Alaska that will explain statistics, risks and challenges related to youth-related concussions, including:

- (1) Concussions rank high in reported brain trauma injuries to children participating in sports and recreational activities.
- (2) The CDC estimates nearly 4 million sports- and rec-related concussions in the US every year.
- (3) Provides the definition of a concussion and some of the consequences of concussions – the effects may or may not include loss of consciousness; disruption of normal brain function.
- (4) Explains how concussions may occur during organized or unorganized sports and rec. activities – such as through a fall or from a collision with another player.
- (5) Explains that the risks of catastrophic injury or death from head injuries increase without proper evaluation and management, and if the athlete is allowed to continue participating following the concussion.
- (6) Explains that, in spite of nationwide guidelines recommending individual assessment and gradual return to play following concussions, athletes continue to be returned to play prematurely – increasing risk of greater injury.

Section 2: Amends AS 14.30 by adding new sections to article 3 that would establish requirements for school district governing bodies relating to prevention and reporting. It also clarifies points of liability and damages (more details below, if needed):

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

- (a) Requires school district governing body to consult with Alaska School Activities Association to develop and publish guidelines, etc. to educate coaches, student athletes and parents about the nature and risks of concussions.
- (b) A student suspected of having a concussion or traumatic brain injury is immediately removed from the practice or game.
- (c) Before returning to play or practice, the student must be cleared by a licensed health care provider who has received training in evaluating and managing traumatic brain injuries, including concussions.
- (d) This provision explains that an evaluator may not be held liable for civil damages, except where he/she acted recklessly or with intentional misconduct or gross negligence.

Sec. 14.30.143. Concussions: school district immunity.

- (a) Explains that a school district may not be held liable for injury or death resulting from the action or inaction of an employee or contractor with a non-profit youth organization if –
 - (1) the action/inaction occurred on school property during the delivery of services by the district or organization;

(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 per person and \$100,000 per incident;

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

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

(c) "Youth organization" means a public or private entity, qualified to do business in the
state, that provides a program or service to persons under 19 years old.