

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  
3 TAKE PRECAUTIONS TO ENSURE THE SAFETY AND WELL-BEING OF ACTIVITY  
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

9 Whereas, some children and teens with a concussion will have concussion symptoms  
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

16 Whereas, Chronic Traumatic Encephalopathy (CTE) is a degenerative brain disease  
17 found in athletes with a history of repetitive hits to the head sustained over a period of years, with  
18 possible symptoms of impulse control problems, aggression, depression, and paranoia appearing  
19 years after the onset of head impacts that may eventually lead to memory loss, confusion,  
20 impaired judgment, and progressive dementia; and

21 Whereas, research studies have shown that exposure to head impacts before age 12 is  
22 associated with worse outcomes associated with CTE than those experienced after age 12; and

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

31 Whereas, the Centers for Disease Control and Prevention has implemented the  
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  
35 municipal parks and recreation departments to have concussion awareness information and



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 The concussion awareness information and response protocol shall be  
27 consistent with the rules adopted by the State Board of Education for  
28 interscholastic athletic activities under G.S. 115C-12(23).  
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, 2019.