

# HOUSE BILL 1

F1, J1, F5

11r0307

(PRE-FILED)

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By: **Delegate Davis**

Requested: May 27, 2010

Introduced and read first time: January 12, 2011

Assigned to: Ways and Means and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Youth Athletes – Concussions**

3 FOR the purpose of requiring county boards of education and the Maryland Public  
4 Secondary Schools Athletic Association jointly to establish certain guidelines  
5 and develop certain forms to educate certain coaches, youth athletes, and  
6 parents and guardians regarding the evaluation and management of  
7 concussions and head injury; requiring certain information sheets to be signed  
8 by certain persons; requiring the removal from play of certain athletes under  
9 certain circumstances; prohibiting the return to play of certain athletes under  
10 certain circumstances until certain conditions are met; requiring certain youth  
11 sports programs to provide certain statements of compliance to certain county  
12 boards of education; granting certain immunity to volunteer health care  
13 providers under certain circumstances; defining certain terms; and generally  
14 relating to the establishment of guidelines for the evaluation and management  
15 of concussions and head injury.

16 BY adding to  
17 Article – Education  
18 Section 7–432  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2010 Supplement)

21 Preamble

22 WHEREAS, A concussion is one of the most commonly reported injuries in  
23 children and adolescents who participate in sports and recreational activities; and

24 WHEREAS, The Centers for Disease Control and Prevention estimates that as  
25 many as 3,900,000 sports-related and recreation-related concussions occur in the  
26 United States each year; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, A concussion is caused by a blow or motion to the head or body that  
2 causes the brain to move rapidly inside the skull; and

3 WHEREAS, The risk of catastrophic injury or death is significant when a  
4 concussion or head injury is not properly evaluated and managed; and

5 WHEREAS, A concussion is a type of brain injury that may range from mild to  
6 severe and can disrupt the way the brain normally works; and

7 WHEREAS, A concussion may occur in any organized or unorganized sport or  
8 recreational activity and may result from a fall or from players colliding with each  
9 other, the ground, or other obstacles; and

10 WHEREAS, Continuing to play with a concussion or symptoms of head injury  
11 leaves a young athlete especially vulnerable to greater injury and even death; now,  
12 therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Education**

16 **7-432.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
18 **MEANINGS INDICATED.**

19 **(2) “CONCUSSION” MEANS A TRAUMATIC INJURY TO THE BRAIN**  
20 **CAUSING AN IMMEDIATE AND, USUALLY, SHORT-LIVED CHANGE IN MENTAL**  
21 **STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:**

22 **(I) A FALL;**

23 **(II) A VIOLENT BLOW TO THE HEAD OR BODY; OR**

24 **(III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.**

25 **(3) “VOLUNTEER HEALTH CARE PROVIDER” MEANS A LICENSED**  
26 **HEALTH CARE PROVIDER WHO EVALUATES A YOUTH ATHLETE UNDER**  
27 **SUBSECTION (B)(2)(III) OF THIS SECTION WITHOUT RECEIVING A FEE OR OTHER**  
28 **COMPENSATION.**

29 **(4) “YOUTH ATHLETE” MEANS AN INDIVIDUAL WHO IS UNDER**  
30 **THE AGE OF 18 YEARS OR WHO IS A PHYSICALLY OR MENTALLY DISABLED**

1 INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN  
2 ASSOCIATION WITH:

3 (I) AN EDUCATIONAL INSTITUTION; OR

4 (II) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM  
5 CONDUCTED:

6 1. AT A PUBLIC SCHOOL FACILITY; OR

7 2. BY A RECREATIONAL ATHLETIC ORGANIZATION.

8 (5) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM OR SERVICE,  
9 OFFERED BY A NONPROFIT GROUP, THAT PROVIDES OPPORTUNITIES FOR  
10 RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR YOUTH  
11 ATHLETES.

12 (B) (1) EACH COUNTY BOARD AND THE MARYLAND PUBLIC  
13 SECONDARY SCHOOLS ATHLETIC ASSOCIATION JOINTLY SHALL ESTABLISH  
14 GUIDELINES FOR THE EVALUATION AND MANAGEMENT OF CONCUSSION AND  
15 HEAD INJURY AND DEVELOP FORMS TO EDUCATE COACHES, YOUTH ATHLETES,  
16 AND PARENTS AND GUARDIANS OF YOUTH ATHLETES REGARDING:

17 (I) THE NATURE AND RISK OF CONCUSSION AND HEAD  
18 INJURY;

19 (II) THE CRITERIA FOR REMOVAL FROM AND RETURN TO  
20 PLAY; AND

21 (III) THE RISKS OF NOT REPORTING INJURY AND  
22 CONTINUING TO PLAY.

23 (2) THE GUIDELINES SHALL:

24 (I) ON AN ANNUAL BASIS, REQUIRE THAT A CONCUSSION  
25 AND HEAD INJURY INFORMATION SHEET BE SIGNED AND RETURNED BY A  
26 YOUTH ATHLETE AND THE YOUTH ATHLETE'S PARENT OR GUARDIAN BEFORE  
27 THE YOUTH ATHLETE'S INITIATING PRACTICE OR COMPETITION;

28 (II) REQUIRE THE REMOVAL OF A YOUTH ATHLETE FROM A  
29 PRACTICE OR A GAME WHEN THE YOUTH ATHLETE IS SUSPECTED OF  
30 SUSTAINING A CONCUSSION OR HEAD INJURY IN THE PRACTICE OR THE GAME;  
31 AND

1                   **(III) PROHIBIT A YOUTH ATHLETE WHO HAS BEEN REMOVED**  
2 **FROM PLAY FROM RETURNING TO PLAY UNTIL THE YOUTH ATHLETE:**

3                   **1. HAS BEEN EVALUATED BY A LICENSED HEALTH**  
4 **CARE PROVIDER OR A VOLUNTEER HEALTH CARE PROVIDER TRAINED IN THE**  
5 **EVALUATION AND MANAGEMENT OF CONCUSSIONS; AND**

6                   **2. HAS OBTAINED WRITTEN CLEARANCE TO RETURN**  
7 **TO PLAY FROM THE HEALTH CARE PROVIDER.**

8                   **(C) A YOUTH SPORTS PROGRAM SHALL PROVIDE A STATEMENT OF**  
9 **COMPLIANCE WITH THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF**  
10 **THIS SECTION TO THE COUNTY BOARD.**

11                   **(D) A VOLUNTEER HEALTH CARE PROVIDER WHO AUTHORIZES A YOUTH**  
12 **ATHLETE TO RETURN TO PLAY UNDER SUBSECTION (B)(2)(III) OF THIS SECTION**  
13 **IS NOT LIABLE FOR CIVIL DAMAGES RESULTING FROM ANY ACT OR OMISSION IN**  
14 **THE RENDERING OF THE HEALTH CARE, OTHER THAN ACTS OR OMISSIONS**  
15 **CONSTITUTING GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.**

16                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
17 **October 1, 2011.**