

HOUSE BILL 858

F1, J1, F5

(1lr1586)

ENROLLED BILL

— *Ways and Means and Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Hixson, Davis, Waldstreicher, Barkley, Cardin, Cullison, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, A. Miller, Mizeur, Morhaim, Niemann, Reznik, S. Robinson, Rosenberg, Summers, V. Turner, ~~Waldstreicher~~, and ~~Walker~~ Walker, and Howard**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education – ~~Student Athletes~~ Public Schools and Youth Sports Programs –**
3 **Concussions**

4 FOR the purpose of requiring the State Department of Education, in collaboration
5 with certain entities, to develop certain policies and to implement a certain
6 program to provide awareness to certain coaches, school personnel, ~~student~~
7 ~~athletes~~, students, and parents or guardians of ~~student-athletes~~ students on the
8 risk of concussions and head injuries; requiring a county board of education to
9 provide a certain information ~~sheet~~ *and a certain notice* to a certain student
10 ~~athlete~~ and parent or guardian; requiring a student ~~athlete~~ and parent or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 guardian to sign a certain statement; requiring the Department to create a
 2 certain information sheet and acknowledgment statement; authorizing the
 3 Department to use certain materials; requiring the removal from play of certain
 4 students or youth athletes under certain circumstances; prohibiting the return
 5 to play of certain students or youth athletes under certain circumstances until a
 6 certain condition is met; requiring a county board, or a third party, to provide
 7 certain information to certain individuals; requiring certain individuals to
 8 acknowledge receipt of a certain information sheet in a certain manner;
 9 requiring certain youth sports programs to provide certain statements of
 10 ~~compliance intent to comply to certain county boards of education; granting~~
 11 ~~certain immunity to volunteer health care providers under certain~~
 12 ~~circumstances;~~ education or their agents; requiring a youth sports program to
 13 make certain information on concussions and head injuries available to certain
 14 coaches, youth athletes, and the parents or guardians of youth athletes;
 15 requiring a local government to provide a certain notice to a youth sports
 16 program under certain circumstances; defining certain terms; and generally
 17 relating to the development of policies and the implementation of a program on
 18 concussions and head injuries.

19 BY adding to

20 Article – Education

21 Section 7–432

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2010 Supplement)

24 BY adding to

25 Article – Health – General

26 Section 14–501 to be under the new subtitle “Subtitle 5. Youth Sports
 27 Programs”

28 Annotated Code of Maryland

29 (2009 Replacement Volume and 2010 Supplement)

30 Preamble

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

33 WHEREAS, The Centers for Disease Control and Prevention estimates that as
 34 many as 3,900,000 sports–related and recreation–related concussions occur in the
 35 United States each year; and

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

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

1 WHEREAS, A concussion may occur with or without loss of consciousness, but
2 the vast majority occurs without loss of consciousness; and

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

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

8 **Article – Education**

9 **7-432.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

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

15 (I) A FALL;

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

17 (III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.

18 (3) ~~“STUDENT ATHLETE” MEANS AN INDIVIDUAL WHO IS UNDER~~
19 ~~THE AGE OF 18 YEARS OR WHO IS A PHYSICALLY OR MENTALLY DISABLED~~
20 ~~INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN~~
21 ~~ASSOCIATION WITH:~~

22 (I) ~~AN EDUCATIONAL INSTITUTION; OR~~

23 (II) ~~A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM~~
24 ~~CONDUCTED:~~

25 1. ~~AT A PUBLIC SCHOOL FACILITY; OR~~

26 2. ~~BY A RECREATIONAL ATHLETIC ORGANIZATION.~~

27 (4) ~~“VOLUNTEER HEALTH CARE PROVIDER” MEANS A LICENSED~~
28 ~~HEALTH CARE PROVIDER WHO EVALUATES A STUDENT ATHLETE UNDER~~

1 ~~SUBSECTION (C)(2) OF THIS SECTION WITHOUT RECEIVING A FEE OR OTHER~~
 2 ~~COMPENSATION.~~

3 ~~(5)~~ (3) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM
 4 ORGANIZED FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION
 5 FOR PARTICIPANTS WHO ~~ARE:~~

6 ~~(I) UNDER THE AGE OF 18 YEARS; OR~~

7 ~~(II) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF~~
 8 ~~AGE. ARE UNDER THE AGE OF 19 YEARS.~~

9 (B) (1) THE DEPARTMENT SHALL DEVELOP POLICIES AND
 10 IMPLEMENT A PROGRAM TO PROVIDE AWARENESS TO COACHES, SCHOOL
 11 PERSONNEL, ~~STUDENT ATHLETES~~ STUDENTS, AND THE PARENTS OR GUARDIANS
 12 OF ~~STUDENT ATHLETES~~ STUDENTS, IN COLLABORATION WITH THE
 13 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE
 14 MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE
 15 MARYLAND ATHLETIC TRAINERS' ASSOCIATION, THE BRAIN INJURY
 16 ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH
 17 CARE PROVIDERS WHO TREAT CONCUSSIONS, ON:

18 (I) THE NATURE AND RISK OF A CONCUSSION OR HEAD
 19 INJURY;

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

22 (III) THE RISKS OF NOT REPORTING INJURY AND
 23 CONTINUING TO PLAY; AND

24 (IV) APPROPRIATE ACADEMIC ACCOMMODATIONS FOR
 25 ~~STUDENT ATHLETES WHO ARE SUSPECTED OF SUSTAINING~~ STUDENTS
 26 DIAGNOSED AS HAVING SUSTAINED A CONCUSSION OR HEAD INJURY.

27 (2) THE PROGRAM SHALL INCLUDE A PROCESS TO VERIFY THAT A
 28 COACH HAS RECEIVED INFORMATION ON THE PROGRAM DEVELOPED UNDER
 29 PARAGRAPH (1) OF THIS SUBSECTION.

30 (3) (I) BEFORE A STUDENT ~~ATHLETE'S PARTICIPATION~~
 31 ENROLLED IN A PUBLIC SCHOOL SYSTEM IN THE STATE MAY PARTICIPATE IN AN
 32 AUTHORIZED INTERSCHOLASTIC ATHLETIC ACTIVITY, THE COUNTY BOARD
 33 SHALL PROVIDE A CONCUSSION AND HEAD INJURY INFORMATION SHEET TO THE
 34 STUDENT ~~ATHLETE~~ AND A PARENT OR GUARDIAN OF THE STUDENT ~~ATHLETE~~.

1 (II) THE STUDENT ~~ATHLETE~~ AND THE PARENT OR
2 GUARDIAN OF THE STUDENT ~~ATHLETE~~ SHALL SIGN A STATEMENT
3 ACKNOWLEDGING RECEIPT OF THE INFORMATION SHEET.

4 (III) THE DEPARTMENT SHALL CREATE THE INFORMATION
5 SHEET AND ACKNOWLEDGMENT STATEMENT REQUIRED UNDER THIS
6 PARAGRAPH.

7 (4) THE DEPARTMENT MAY USE MATERIALS AVAILABLE FROM
8 THE CENTERS FOR DISEASE CONTROL AND PREVENTION, THE BRAIN INJURY
9 ASSOCIATION OF MARYLAND, OR ANY OTHER APPROPRIATE ENTITY TO CARRY
10 OUT THE REQUIREMENTS OF THIS SUBSECTION.

11 (C) (1) A STUDENT ~~ATHLETE~~ WHO IS SUSPECTED OF SUSTAINING A
12 CONCUSSION OR OTHER HEAD INJURY IN A PRACTICE OR GAME SHALL BE
13 REMOVED FROM PLAY AT THAT TIME.

14 (2) A STUDENT ~~ATHLETE~~ WHO HAS BEEN REMOVED FROM PLAY
15 MAY NOT RETURN TO PLAY UNTIL THE STUDENT ~~ATHLETE~~ HAS OBTAINED
16 WRITTEN CLEARANCE FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN
17 THE EVALUATION AND MANAGEMENT OF CONCUSSIONS.

18 (D) (1) BEFORE AN INDIVIDUAL PARTICIPATES IN AN AUTHORIZED
19 ATHLETIC ACTIVITY ON SCHOOL PROPERTY, THE COUNTY BOARD SHALL
20 PROVIDE, OR REQUIRE THAT A THIRD PARTY PROVIDE:

21 (I) ~~INFORMATION~~ INFORMATION ON CONCUSSIONS AND
22 HEAD INJURIES TO THE INDIVIDUAL AND, IF APPLICABLE, A PARENT OR
23 GUARDIAN OF THE INDIVIDUAL; AND

24 (II) NOTICE THAT ACKNOWLEDGMENT OF THE RECEIPT OF
25 THE INFORMATION BY THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR
26 GUARDIAN OF THE INDIVIDUAL, IS REQUIRED.

27 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF
28 THIS SUBSECTION SHALL BE IN THE FORM OF:

29 (I) A SEPARATE INFORMATION SHEET; OR

30 (II) A NOTICE ON THE REGISTRATION FORM FOR A YOUTH
31 SPORTS PROGRAM STATING THAT ~~A SEPARATE~~ INFORMATION ~~SHEET~~ ON
32 CONCUSSION AND HEAD INJURY IS AVAILABLE, INCLUDING DIRECTIONS ON
33 HOW TO RECEIVE THE INFORMATION ~~SHEET~~ ELECTRONICALLY.

1 **(3) THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR**
 2 **GUARDIAN OF THE INDIVIDUAL SHALL:**

3 **(I) ACKNOWLEDGE RECEIPT OF THE INFORMATION ~~SHEET~~**
 4 **BY:**

- 5 **1. SIGNATURE;**
- 6 **2. CHECKING AN ACKNOWLEDGMENT BOX ON THE**
 7 **REGISTRATION FORM; OR**
- 8 **3. ANOTHER METHOD OF WRITTEN OR ELECTRONIC**
 9 **ACKNOWLEDGMENT; AND**

10 **(II) RETURN THE ACKNOWLEDGMENT TO THE COUNTY**
 11 **BOARD OR THIRD PARTY.**

12 **~~(D)~~ (E) BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A A**
 13 **YOUTH SPORTS PROGRAM SHALL PROVIDE THAT USES A PUBLIC SCHOOL**
 14 **FACILITY SHALL PROVIDE ANNUALLY TO THE COUNTY BOARD OR THE BOARD'S**
 15 **AGENT A STATEMENT OF COMPLIANCE INTENT TO COMPLY FOR ALL OF ITS**
 16 **ATHLETIC ACTIVITIES WITH THE REQUIREMENTS FOR THE MANAGEMENT OF A**
 17 **CONCUSSION OR OTHER HEAD INJURY OF A STUDENT ATHLETE PARTICIPANT**
 18 **UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.**

19 **~~(E) A VOLUNTEER HEALTH CARE PROVIDER WHO AUTHORIZES A~~**
 20 **~~STUDENT ATHLETE TO RETURN TO PLAY UNDER SUBSECTION (C)(2) OF THIS~~**
 21 **~~SECTION IS NOT LIABLE FOR CIVIL DAMAGES RESULTING FROM ANY ACT OR~~**
 22 **~~OMISSION IN THE RENDERING OF THE HEALTH CARE, OTHER THAN ACTS OR~~**
 23 **~~OMISSIONS CONSTITUTING GROSS NEGLIGENCE OR WILLFUL OR WANTON~~**
 24 **~~MISCONDUCT.~~**

25 **Article – Health – General**

26 **SUBTITLE 5. YOUTH SPORTS PROGRAMS.**

27 **14-501.**

28 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
 29 **MEANINGS INDICATED.**

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

4 **(I) A FALL;**

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

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

7 **(3) “YOUTH ATHLETE” MEANS AN INDIVIDUAL WHO**
8 **PARTICIPATES IN AN ATHLETIC ACTIVITY IN ASSOCIATION WITH A YOUTH**
9 **SPORTS PROGRAM CONDUCTED:**

10 **(I) AT A PUBLIC SCHOOL FACILITY; OR**

11 **(II) BY A RECREATIONAL ATHLETIC ORGANIZATION.**

12 **(4) “YOUTH SPORTS PROGRAM” MEANS A PROGRAM ORGANIZED**
13 **FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR**
14 **PARTICIPANTS WHO ARE UNDER THE AGE OF 19 YEARS.**

15 **(B) (1) A YOUTH SPORTS PROGRAM SHALL MAKE AVAILABLE**
16 **INFORMATION ON CONCUSSIONS AND HEAD INJURIES DEVELOPED BY THE**
17 **STATE DEPARTMENT OF EDUCATION UNDER § 7-432 OF THE EDUCATION**
18 **ARTICLE TO COACHES, YOUTH ATHLETES, AND THE PARENTS OR GUARDIANS OF**
19 **YOUTH ATHLETES.**

20 **(2) A COACH OF A YOUTH SPORTS PROGRAM SHALL REVIEW THE**
21 **INFORMATION PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.**

22 **(C) (1) A YOUTH ATHLETE WHO IS SUSPECTED OF SUSTAINING A**
23 **CONCUSSION OR OTHER HEAD INJURY IN A PRACTICE OR GAME SHALL BE**
24 **REMOVED FROM PLAY AT THAT TIME.**

25 **(2) A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PLAY MAY**
26 **NOT RETURN TO PLAY UNTIL THE YOUTH ATHLETE HAS OBTAINED WRITTEN**
27 **CLEARANCE FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE**
28 **EVALUATION AND MANAGEMENT OF CONCUSSIONS.**

29 **(D) BEFORE A YOUTH SPORTS PROGRAM MAY USE A FACILITY OWNED**
30 **OR OPERATED BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL**
31 **PROVIDE NOTICE TO THE YOUTH SPORTS PROGRAM OF THE REQUIREMENTS OF**
32 **THIS SECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.