

HOUSE BILL 29

F1, J1

6lr0966

(PRE-FILED)

By: **Delegate Chang**

Requested: October 26, 2015

Introduced and read first time: January 13, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Participants in Youth Sports Programs – Concussions – Penalties**
3 **for Coaches**

4 FOR the purpose of requiring a local board of education, on the recommendation of the
5 county superintendent, to suspend a coach who violates certain provisions of law
6 relating to the removal from play of a student who is suspected of sustaining a
7 concussion or other head injury in a practice or game and the return to play of the
8 student; requiring a county board to send to a coach a copy of certain charges and
9 give the coach an opportunity to request a hearing before suspending the coach;
10 requiring a county board to hold a certain hearing under certain circumstances;
11 requiring the State Department of Education to establish certain penalties for a
12 violation of provisions of law relating to concussions and head injuries; authorizing
13 a coach to appeal a certain decision to the State Board of Education; requiring a
14 youth sports program to establish certain penalties for a violation of provisions of
15 law relating to concussions and head injuries; requiring a youth sports program to
16 suspend a coach who violates certain provisions of law relating to the removal from
17 play of a youth athlete who is suspected of sustaining a concussion or other head
18 injury in a practice or game and the return to play of the youth athlete; authorizing
19 a coach to appeal a certain decision of a youth sports program to a certain circuit
20 court; providing that a certain individual who removes from play or returns to play
21 a certain individual is not civilly liable under certain circumstances; providing that
22 certain provisions of law may not be construed to limit the legal rights of a certain
23 individual; and generally relating to penalties for coaches who violate provisions of
24 law relating to concussions and head injuries sustained by participants in youth
25 sports programs.

26 BY repealing and reenacting, with amendments,
27 Article – Education
28 Section 7–433
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 14–501
Annotated Code of Maryland
(2015 Replacement Volume)

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

Article – Education

7–433.

(a) (1) In this section the following words have the meanings indicated.

(2) “Concussion” means a traumatic injury to the brain causing an immediate and, usually, short–lived change in mental status or an alteration of normal consciousness resulting from:

(i) A fall;

(ii) A violent blow to the head or body; or

(iii) The shaking or spinning of the head or body.

(3) “Youth sports program” means a program organized for recreational athletic competition or instruction for participants who are under the age of 19 years.

(b) (1) The Department shall develop policies and implement a program to provide awareness to coaches, school personnel, students, and the parents or guardians of students, in collaboration with the Department of Health and Mental Hygiene, each county board, the Maryland Public Secondary Schools Athletic Association, the Maryland Athletic Trainers’ Association, the Brain Injury Association of Maryland, and representatives of licensed health care providers who treat concussions, on:

(i) The nature and risk of a concussion or head injury;

(ii) The criteria for removal from and return to play;

(iii) The risks of not reporting injury and continuing to play; and

(iv) Appropriate academic accommodations for students diagnosed as having sustained a concussion or head injury.

1 (2) The program shall include a process to verify that a coach has received
2 information on the program developed under paragraph (1) of this subsection.

3 (3) (i) Before a student enrolled in a public school system in the State
4 may participate in an authorized interscholastic athletic activity, the county board shall
5 provide a concussion and head injury information sheet to the student and a parent or
6 guardian of the student.

7 (ii) The student and the parent or guardian of the student shall sign
8 a statement acknowledging receipt of the information sheet.

9 (iii) The Department shall create the information sheet and
10 acknowledgment statement required under this paragraph.

11 (4) The Department may use materials available from the Centers for
12 Disease Control and Prevention, the Brain Injury Association of Maryland, or any other
13 appropriate entity to carry out the requirements of this subsection.

14 (c) (1) A student who is suspected of sustaining a concussion or other head
15 injury in a practice or game shall be removed from play at that time.

16 (2) A student who has been removed from play may not return to play until
17 the student has obtained written clearance from a licensed health care provider trained in
18 the evaluation and management of concussions.

19 (d) (1) Before an individual participates in an authorized athletic activity on
20 school property, the county board shall provide, or require that a third party provide:

21 (i) Information on concussions and head injuries to the individual
22 and, if applicable, a parent or guardian of the individual; and

23 (ii) Notice that acknowledgment of the receipt of the information by
24 the individual and, if applicable, the parent or guardian of the individual, is required.

25 (2) The information required under paragraph (1) of this subsection shall
26 be in the form of:

27 (i) A separate information sheet; or

28 (ii) A notice on the registration form for a youth sports program
29 stating that information on concussion and head injury is available, including directions on
30 how to receive the information electronically.

31 (3) The individual and, if applicable, the parent or guardian of the
32 individual shall:

33 (i) Acknowledge receipt of the information by:

- 1 1. Signature;
- 2 2. Checking an acknowledgment box on the registration
3 form; or
- 4 3. Another method of written or electronic acknowledgment;
5 and
- 6 (ii) Return the acknowledgment to the county board or third party.

7 (e) A youth sports program that uses a public school facility shall provide
8 annually to the county board or the board's agent a statement of intent to comply for all of
9 its athletic activities with the requirements for the management of a concussion or other
10 head injury of a participant under this section.

11 **(F) (1) ON THE RECOMMENDATION OF THE COUNTY SUPERINTENDENT, A
12 COUNTY BOARD SHALL SUSPEND A COACH FOR A VIOLATION OF SUBSECTION (C) OF
13 THIS SECTION.**

14 **(2) BEFORE SUSPENDING A COACH, THE COUNTY BOARD SHALL:**

15 **(I) SEND TO THE COACH A COPY OF THE CHARGES AGAINST THE
16 COACH; AND**

17 **(II) GIVE THE COACH AN OPPORTUNITY TO REQUEST A
18 HEARING WITHIN 10 DAYS AFTER THE DATE OF RECEIPT OF THE CHARGES.**

19 **(3) IF THE COACH REQUESTS A HEARING WITHIN THE 10-DAY
20 PERIOD:**

21 **(I) THE COUNTY BOARD PROMPTLY SHALL HOLD A HEARING,
22 PROVIDED THAT A HEARING MAY NOT BE SET WITHIN THE 10-DAY PERIOD AFTER
23 THE DATE THE COUNTY BOARD SENDS A NOTICE OF THE HEARING TO THE COACH;
24 AND**

25 **(II) THE COACH SHALL HAVE AN OPPORTUNITY TO BE HEARD
26 BEFORE THE COUNTY BOARD, IN PERSON OR BY COUNSEL, AND TO BRING
27 WITNESSES TO THE HEARING.**

28 **(4) THE DEPARTMENT SHALL ESTABLISH THE FOLLOWING
29 PENALTIES FOR A COACH FOUND IN VIOLATION OF SUBSECTION (C) OF THIS
30 SECTION:**

1 **(I) FOR A FIRST VIOLATION, SUSPENSION FROM COACHING**
2 **ANY ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON;**

3 **(II) FOR A SECOND VIOLATION, SUSPENSION FROM COACHING**
4 **ANY ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON AND FOR THE NEXT**
5 **SEASON; AND**

6 **(III) FOR A THIRD VIOLATION, PERMANENT SUSPENSION FROM**
7 **COACHING ANY ATHLETIC ACTIVITY.**

8 **(5) THE COACH MAY APPEAL THE DECISION OF THE COUNTY BOARD**
9 **TO THE STATE BOARD.**

10 **(G) (1) A COACH WHO REMOVES FROM PLAY A STUDENT WHO IS**
11 **SUSPECTED OF SUSTAINING A CONCUSSION OR HEAD INJURY IN A PRACTICE OR**
12 **GAME OR ALLOWS A STUDENT TO RETURN TO PLAY AFTER THE STUDENT HAS**
13 **OBTAINED WRITTEN CLEARANCE FROM A LICENSED HEALTH PROVIDER TRAINED IN**
14 **THE EVALUATION AND MANAGEMENT OF CONCUSSIONS IN ACCORDANCE WITH**
15 **SUBSECTION (C) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR**
16 **OMISSION IN REMOVING FROM PLAY OR RETURNING TO PLAY THE STUDENT.**

17 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE LEGAL**
18 **RIGHTS OF A STUDENT WHO IS SUSPECTED OF SUSTAINING A CONCUSSION OR HEAD**
19 **INJURY IN A PRACTICE OR GAME.**

20 **Article – Health – General**

21 14–501.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Concussion” means a traumatic injury to the brain causing an
24 immediate and, usually, short-lived change in mental status or an alteration of normal
25 consciousness resulting from:

26 (i) A fall;

27 (ii) A violent blow to the head or body; or

28 (iii) The shaking or spinning of the head or body.

29 (3) “Sudden cardiac arrest” means a condition in which the heart suddenly
30 and unexpectedly stops beating.

1 (4) "Youth athlete" means an individual who participates in an athletic
2 activity in association with a youth sports program conducted:

3 (i) At a public school facility; or

4 (ii) By a recreational athletic organization.

5 (5) "Youth sports program" means a program organized for recreational
6 athletic competition or instruction for participants who are under the age of 19 years.

7 (b) (1) A youth sports program shall make available information on
8 concussions, head injuries, and sudden cardiac arrest developed by the State Department
9 of Education under §§ 7-433 and 7-436 of the Education Article to coaches, youth athletes,
10 and the parents or guardians of youth athletes.

11 (2) A coach of a youth sports program shall review the information provided
12 in paragraph (1) of this subsection.

13 (c) (1) A youth athlete who is suspected of sustaining a concussion or other
14 head injury in a practice or game shall be removed from play at that time.

15 (2) A youth athlete who has been removed from play may not return to play
16 until the youth athlete has obtained written clearance from a licensed health care provider
17 trained in the evaluation and management of concussions.

18 (d) Before a youth sports program may use a facility owned or operated by a local
19 government, the local government shall provide notice to the youth sports program of the
20 requirements of this section.

21 **(E) (1) A YOUTH SPORTS PROGRAM SHALL ESTABLISH THE FOLLOWING**
22 **PENALTIES FOR A COACH FOUND IN VIOLATION OF SUBSECTION (C) OF THIS**
23 **SECTION:**

24 **(I) FOR A FIRST VIOLATION, SUSPENSION FROM COACHING**
25 **ANY ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON;**

26 **(II) FOR A SECOND VIOLATION, SUSPENSION FROM COACHING**
27 **ANY ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON AND FOR THE NEXT**
28 **SEASON; AND**

29 **(III) FOR A THIRD VIOLATION, PERMANENT SUSPENSION FROM**
30 **COACHING ANY ATHLETIC ACTIVITY.**

31 **(2) A YOUTH SPORTS PROGRAM SHALL SUSPEND A COACH FOR A**
32 **VIOLATION OF SUBSECTION (C) OF THIS SECTION.**

1 **(3) THE COACH MAY APPEAL THE DECISION OF THE YOUTH SPORTS**
2 **PROGRAM TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE YOUTH SPORTS**
3 **PROGRAM IS LOCATED.**

4 **(F) (1) A COACH WHO REMOVES FROM PLAY A YOUTH ATHLETE WHO IS**
5 **SUSPECTED OF SUSTAINING A CONCUSSION OR HEAD INJURY IN A PRACTICE OR**
6 **GAME OR ALLOWS A YOUTH ATHLETE TO RETURN TO PLAY AFTER THE YOUTH**
7 **ATHLETE HAS OBTAINED WRITTEN CLEARANCE FROM A LICENSED HEALTH**
8 **PROVIDER TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS IN**
9 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION IS NOT CIVILLY LIABLE FOR**
10 **ANY ACT OR OMISSION IN REMOVING FROM PLAY OR RETURNING TO PLAY THE**
11 **YOUTH ATHLETE.**

12 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE LEGAL**
13 **RIGHTS OF A YOUTH ATHLETE WHO IS SUSPECTED OF SUSTAINING A CONCUSSION**
14 **OR HEAD INJURY IN A PRACTICE OR GAME.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.