
By: **Delegates Morhaim, Owings, Hubbard, Bronrott, Rosso, and
Nathan-Pulliam**

Introduced and read first time: January 28, 2002

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Sports Programs - Mouthguards**

3 FOR the purpose of requiring a sponsoring entity of a sports program to recommend
4 that certain children wear a certain mouthguard during a certain time;
5 providing that certain sports require the recommendation that certain
6 participants wear a mouthguard; providing for a waiver process to exempt
7 certain children from wearing a mouthguard under certain circumstances;
8 requiring the waiver form to be approved by the sponsoring entity of the sports
9 program; requiring certain children to wear mouthguards if the rules of certain
10 sponsoring entities of certain sports programs require it; defining a certain
11 term; and generally relating to the wearing of a mouthguard by certain children
12 during certain sports programs.

13 BY adding to
14 Article - Education
15 Section 7-420
16 Annotated Code of Maryland
17 (2001 Replacement Volume)

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

20 **Article - Education**

21 7-420.

22 (A) IN THIS SECTION, "SPORTS PROGRAM" MEANS AN ATHLETIC OR PHYSICAL
23 PROGRAM OR PORTION OF A PROGRAM THAT IS ORGANIZED FOR INTRAMURAL,
24 INTERSCHOLASTIC, RECREATIONAL, OR COMPETITIVE PURPOSES FOR CHILDREN
25 AGES 5 THROUGH 18 YEARS OLD, INCLUSIVE, AND IS SPONSORED BY:

26 (1) A PUBLIC SCHOOL;

27 (2) A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL;

1 (3) ANY UNIT OF LOCAL GOVERNMENT; OR

2 (4) ANY PRIVATE ORGANIZATION SPONSORING A SPORTS PROGRAM IN
3 THE STATE.

4 (B) (1) THE SPONSORING ENTITY OF A SPORTS PROGRAM SHALL
5 RECOMMEND THAT EACH CHILD PARTICIPATING IN A SPORTS PROGRAM WEAR A
6 PROPER FITTING MOUTHGUARD DURING PLAY.

7 (2) THE TYPES OF SPORTS THAT SHALL REQUIRE A RECOMMENDATION
8 TO WEAR A MOUTHGUARD INCLUDE:

9 (I) BASKETBALL;

10 (II) BOXING;

11 (III) FIELD HOCKEY;

12 (IV) FOOTBALL;

13 (V) HANDBALL;

14 (VI) ICE HOCKEY;

15 (VII) LACROSSE;

16 (VIII) MARTIAL ARTS;

17 (IX) RACQUETBALL;

18 (X) RUGBY;

19 (XI) SOCCER;

20 (XII) SQUASH;

21 (XIII) WATER POLO;

22 (XIV) WEIGHT LIFTING; AND

23 (XV) WRESTLING.

24 (C) (1) A CHILD MAY PARTICIPATE IN A SPORTS PROGRAM WHILE NOT
25 WEARING A MOUTHGUARD IF THE PARENT OR GUARDIAN OF THAT CHILD SIGNS A
26 WRITTEN WAIVER OF LIABILITY FOR ORAL-FACIAL INJURIES EXCEPT AS PROVIDED
27 IN SUBSECTION (D) OF THIS SECTION.

28 (2) THE WAIVER UNDER THIS SECTION SHALL BE MADE ON A FORM
29 APPROVED BY THE SPONSORING ENTITY OF THE SPORTS PROGRAM.

1 (D) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, IF THE
2 RULES OF THE SPONSORING ENTITY OF A SPORTS PROGRAM REQUIRE A
3 PARTICIPATING CHILD TO WEAR A MOUTHGUARD TO PARTICIPATE IN A SPORTS
4 PROGRAM, THE CHILD SHALL WEAR A MOUTHGUARD IN ACCORDANCE WITH THE
5 RULES OF THE SPONSORING ENTITY.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2002.