

HOUSE BILL 858

F1, J1, F5

1lr1586

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**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means and Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2011

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 to a certain student ~~athlete~~ and parent or
10 guardian; requiring a student ~~athlete~~ and parent or guardian to sign a certain
11 statement; requiring the Department to create a certain information sheet and
12 acknowledgment statement; authorizing the Department to use certain
13 materials; requiring the removal from play of certain students or youth athletes
14 under certain circumstances; prohibiting the return to play of certain students
15 or youth athletes under certain circumstances until a certain condition is met;
16 requiring a county board, or a third party, to provide certain information to
17 certain individuals; requiring certain individuals to acknowledge receipt of a
18 certain information sheet in a certain manner; requiring certain youth sports
19 programs to provide certain statements of ~~compliance~~ intent to comply to
20 certain county boards of ~~education; granting certain immunity to volunteer~~
21 ~~health care providers under certain circumstances; education or their agents;~~
22 requiring a youth sports program to make certain information on concussions

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.



1 and head injuries available to certain coaches, youth athletes, and the parents
2 or guardians of youth athletes; requiring a local government to provide a certain
3 notice to a youth sports program under certain circumstances; defining certain
4 terms; and generally relating to the development of policies and the
5 implementation of a program on concussions and head injuries.

6 BY adding to

7 Article – Education

8 Section 7–432

9 Annotated Code of Maryland

10 (2008 Replacement Volume and 2010 Supplement)

11 BY adding to

12 Article – Health – General

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

15 Annotated Code of Maryland

16 (2009 Replacement Volume and 2010 Supplement)

17 Preamble

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

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

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

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

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

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

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

35 **Article – Education**

1 7-432.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "CONCUSSION" MEANS A TRAUMATIC INJURY TO THE BRAIN
5 CAUSING AN IMMEDIATE AND, USUALLY, SHORT-LIVED CHANGE IN MENTAL
6 STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:

7 (I) A FALL;

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

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

10 ~~(3) "STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO IS UNDER~~
11 ~~THE AGE OF 18 YEARS OR WHO IS A PHYSICALLY OR MENTALLY DISABLED~~
12 ~~INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN~~
13 ~~ASSOCIATION WITH:~~

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

15 ~~(II) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM~~
16 ~~CONDUCTED:~~

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

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

19 ~~(4) "VOLUNTEER HEALTH CARE PROVIDER" MEANS A LICENSED~~
20 ~~HEALTH CARE PROVIDER WHO EVALUATES A STUDENT ATHLETE UNDER~~
21 ~~SUBSECTION (C)(2) OF THIS SECTION WITHOUT RECEIVING A FEE OR OTHER~~
22 ~~COMPENSATION.~~

23 ~~(5) (3) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM~~
24 ~~ORGANIZED FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION~~
25 ~~FOR PARTICIPANTS WHO ARE:~~

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

27 ~~(II) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF~~
28 ~~AGE, ARE UNDER THE AGE OF 19 YEARS.~~

1 **(B) (1) THE DEPARTMENT SHALL DEVELOP POLICIES AND**
2 **IMPLEMENT A PROGRAM TO PROVIDE AWARENESS TO COACHES, SCHOOL**
3 **PERSONNEL, ~~STUDENT ATHLETES~~ STUDENTS, AND THE PARENTS OR GUARDIANS**
4 **OF ~~STUDENT ATHLETES~~ STUDENTS, IN COLLABORATION WITH THE**
5 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE**
6 **MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE**
7 **MARYLAND ATHLETIC TRAINERS' ASSOCIATION, THE BRAIN INJURY**
8 **ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH**
9 **CARE PROVIDERS WHO TREAT CONCUSSIONS, ON:**

10 **(I) THE NATURE AND RISK OF A CONCUSSION OR HEAD**
11 **INJURY;**

12 **(II) THE CRITERIA FOR REMOVAL FROM AND RETURN TO**
13 **PLAY;**

14 **(III) THE RISKS OF NOT REPORTING INJURY AND**
15 **CONTINUING TO PLAY; AND**

16 **(IV) APPROPRIATE ACADEMIC ACCOMMODATIONS FOR**
17 **~~STUDENT ATHLETES WHO ARE SUSPECTED OF SUSTAINING~~ STUDENTS**
18 **DIAGNOSED AS HAVING SUSTAINED A CONCUSSION OR HEAD INJURY.**

19 **(2) THE PROGRAM SHALL INCLUDE A PROCESS TO VERIFY THAT A**
20 **COACH HAS RECEIVED INFORMATION ON THE PROGRAM DEVELOPED UNDER**
21 **PARAGRAPH (1) OF THIS SUBSECTION.**

22 **(3) (I) BEFORE A STUDENT ~~ATHLETE'S PARTICIPATION~~**
23 **ENROLLED IN A PUBLIC SCHOOL SYSTEM IN THE STATE MAY PARTICIPATE IN AN**
24 **AUTHORIZED INTERSCHOLASTIC ATHLETIC ACTIVITY, THE COUNTY BOARD**
25 **SHALL PROVIDE A CONCUSSION AND HEAD INJURY INFORMATION SHEET TO THE**
26 **STUDENT ~~ATHLETE~~ AND A PARENT OR GUARDIAN OF THE STUDENT ATHLETE.**

27 **(II) THE STUDENT ~~ATHLETE~~ AND THE PARENT OR**
28 **GUARDIAN OF THE STUDENT ~~ATHLETE~~ SHALL SIGN A STATEMENT**
29 **ACKNOWLEDGING RECEIPT OF THE INFORMATION SHEET.**

30 **(III) THE DEPARTMENT SHALL CREATE THE INFORMATION**
31 **SHEET AND ACKNOWLEDGMENT STATEMENT REQUIRED UNDER THIS**
32 **PARAGRAPH.**

33 **(4) THE DEPARTMENT MAY USE MATERIALS AVAILABLE FROM**
34 **THE CENTERS FOR DISEASE CONTROL AND PREVENTION, THE BRAIN INJURY**

1 ASSOCIATION OF MARYLAND, OR ANY OTHER APPROPRIATE ENTITY TO CARRY
2 OUT THE REQUIREMENTS OF THIS SUBSECTION.

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

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

10 (D) (1) BEFORE AN INDIVIDUAL PARTICIPATES IN AN AUTHORIZED
11 ATHLETIC ACTIVITY ON SCHOOL PROPERTY, THE COUNTY BOARD SHALL
12 PROVIDE, OR REQUIRE THAT A THIRD PARTY PROVIDE, INFORMATION ON
13 CONCUSSIONS AND HEAD INJURIES TO THE INDIVIDUAL AND, IF APPLICABLE, A
14 PARENT OR GUARDIAN OF THE INDIVIDUAL.

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

17 (I) A SEPARATE INFORMATION SHEET; OR

18 (II) A NOTICE ON THE REGISTRATION FORM FOR A YOUTH
19 SPORTS PROGRAM STATING THAT A SEPARATE INFORMATION SHEET ON
20 CONCUSSION AND HEAD INJURY IS AVAILABLE, INCLUDING DIRECTIONS ON
21 HOW TO RECEIVE THE INFORMATION SHEET ELECTRONICALLY.

22 (3) THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR
23 GUARDIAN OF THE INDIVIDUAL SHALL:

24 (I) ACKNOWLEDGE RECEIPT OF THE INFORMATION SHEET
25 BY:

26 1. SIGNATURE;

27 2. CHECKING AN ACKNOWLEDGMENT BOX ON THE
28 REGISTRATION FORM; OR

29 3. ANOTHER METHOD OF WRITTEN OR ELECTRONIC
30 ACKNOWLEDGMENT; AND

31 (II) RETURN THE ACKNOWLEDGMENT TO THE COUNTY
32 BOARD OR THIRD PARTY.

1 ~~(D)~~ (E) BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A
 2 YOUTH SPORTS PROGRAM SHALL PROVIDE THAT USES A PUBLIC SCHOOL
 3 FACILITY SHALL PROVIDE ANNUALLY TO THE COUNTY BOARD OR THE BOARD'S
 4 AGENT A STATEMENT OF COMPLIANCE INTENT TO COMPLY FOR ALL OF ITS
 5 ATHLETIC ACTIVITIES WITH THE REQUIREMENTS FOR THE MANAGEMENT OF A
 6 CONCUSSION OR OTHER HEAD INJURY OF A STUDENT ATHLETE PARTICIPANT
 7 UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

8 ~~(E) A VOLUNTEER HEALTH CARE PROVIDER WHO AUTHORIZES A~~
 9 ~~STUDENT ATHLETE TO RETURN TO PLAY UNDER SUBSECTION (C)(2) OF THIS~~
 10 ~~SECTION IS NOT LIABLE FOR CIVIL DAMAGES RESULTING FROM ANY ACT OR~~
 11 ~~OMISSION IN THE RENDERING OF THE HEALTH CARE, OTHER THAN ACTS OR~~
 12 ~~OMISSIONS CONSTITUTING GROSS NEGLIGENCE OR WILLFUL OR WANTON~~
 13 ~~MISCONDUCT.~~

14 Article - Health - General

15 SUBTITLE 5. YOUTH SPORTS PROGRAMS.

16 14-501.

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) "YOUTH ATHLETE" MEANS AN INDIVIDUAL WHO
 26 PARTICIPATES IN AN ATHLETIC ACTIVITY IN ASSOCIATION WITH A YOUTH
 27 SPORTS PROGRAM CONDUCTED:

28 (I) AT A PUBLIC SCHOOL FACILITY; OR

29 (II) BY A RECREATIONAL ATHLETIC ORGANIZATION.

1 **(4) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM ORGANIZED**
2 **FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR**
3 **PARTICIPANTS WHO ARE UNDER THE AGE OF 19 YEARS.**

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

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

11 **(C) (1) A YOUTH 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 YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PLAY MAY**
15 **NOT RETURN TO PLAY UNTIL THE YOUTH ATHLETE HAS OBTAINED WRITTEN**
16 **CLEARANCE FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE**
17 **EVALUATION AND MANAGEMENT OF CONCUSSIONS.**

18 **(D) BEFORE A YOUTH SPORTS PROGRAM MAY USE A FACILITY OWNED**
19 **OR OPERATED BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL**
20 **PROVIDE NOTICE TO THE YOUTH SPORTS PROGRAM OF THE REQUIREMENTS OF**
21 **THIS SECTION.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.