

SENATE BILL 771

F1

(1lr1815)

ENROLLED BILL

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

Introduced by **Senators Conway, Colburn, Currie, Ferguson, Forehand, Frosh, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Pinsky, Pugh, Ramirez, Raskin, Young, ~~and Zirkin~~ Zirkin, Benson, and Dyson**

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.

President.

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 organizations and individuals, to develop certain policies and~~
6 ~~implement a certain program; requiring a certain program to include a certain~~
7 ~~verification process; requiring county boards of education to provide a certain~~
8 ~~information sheet to certain individuals; requiring certain individuals to sign~~
9 ~~certain statements; requiring the Department to create a certain information~~
10 ~~sheet and acknowledgement statement; requiring the removal from play of~~
11 ~~certain student athletes; prohibiting the return to play of certain~~

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.



~~student athletes until certain student athletes receive certain evaluation and clearance; requiring youth sports programs to provide certain information to county boards under certain circumstances; defining certain terms; and generally relating to the development of policies and implementation of a program to provide awareness on the nature and risk of concussions.~~

FOR the purpose of requiring the State Department of Education, in collaboration with certain entities, to develop certain policies and to implement a certain program to provide awareness to certain coaches, school personnel, students, and parents or guardians of students on the risk of concussions and head injuries; requiring a county board of education to provide certain information and a certain notice to a certain student and parent or guardian; requiring a student and parent or guardian to sign a certain statement; requiring the Department to create a certain information sheet and acknowledgment statement; authorizing the Department to use certain materials; requiring the removal from play of certain students or youth athletes under certain circumstances; prohibiting the return to play of certain students or youth athletes under certain circumstances until a certain condition is met; requiring a county board, or a third party, to provide certain information to certain individuals; requiring certain individuals to acknowledge receipt of a certain information sheet in a certain manner; requiring certain youth sports programs to provide certain statements of intent to comply to certain county boards of education or their agents; requiring a youth sports program to make certain information on concussions and head injuries available to certain coaches, youth athletes, and the parents or guardians of youth athletes; requiring a local government to provide a certain notice to a youth sports program under certain circumstances; defining certain terms; and generally relating to the development of policies and the implementation of a program on concussions and head injuries.

BY adding to

Article – Education

Section 7–432

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Health – General

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

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Preamble

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

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

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

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

9 WHEREAS, A concussion may occur with or without loss of consciousness, but
10 the vast majority of concussions occur without loss of consciousness; and

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

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

16 **Article – Education**

17 **7-432.**

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

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

23 (I) A FALL;

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

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

26 ~~(3) “STUDENT ATHLETE” MEANS AN INDIVIDUAL WHO IS 17~~
27 ~~YEARS OLD OR YOUNGER OR WHO IS A PHYSICALLY OR MENTALLY DISABLED~~
28 ~~INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN~~
29 ~~ASSOCIATION WITH:~~

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

1 ~~(H) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM~~
2 ~~CONDUCTED:~~

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

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

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

8 ~~(H) UNDER THE AGE OF 18 YEARS; OR~~

9 ~~(H) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF~~
10 ~~AGE. ARE UNDER THE AGE OF 19 YEARS.~~

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

25 (I) THE NATURE AND RISK OF A CONCUSSION AND HEAD
26 INJURY;

27 (II) THE CRITERIA FOR REMOVAL FROM AND RETURN TO
28 PLAY;

29 (III) THE RISKS OF NOT REPORTING INJURY AND
30 CONTINUING TO PLAY; AND

31 (IV) ~~THE APPROPRIATE~~ APPROPRIATE ACADEMIC
32 ACCOMMODATIONS FOR ~~STUDENT ATHLETES WHO ARE SUSPECTED OF~~
33 ~~SUSTAINING~~ STUDENTS DIAGNOSED AS HAVING SUSTAINED A CONCUSSION OR
34 OTHER HEAD INJURY.

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

4 (3) (I) ~~BEFORE A STUDENT-ATHLETE~~ STUDENT ENROLLED IN
5 A PUBLIC SCHOOL SYSTEM IN THE STATE MAY PARTICIPATE IN AN AUTHORIZED
6 INTERSCHOLASTIC ATHLETIC ACTIVITY, THE COUNTY BOARD SHALL PROVIDE A
7 CONCUSSION AND HEAD INJURY INFORMATION SHEET TO THE
8 ~~STUDENT-ATHLETE~~ STUDENT AND A PARENT OR GUARDIAN OF THE
9 ~~STUDENT-ATHLETE~~ STUDENT.

10 (II) ~~THE STUDENT-ATHLETE~~ STUDENT AND THE PARENT OR
11 GUARDIAN OF THE ~~STUDENT-ATHLETE~~ STUDENT SHALL SIGN A STATEMENT
12 ACKNOWLEDGING RECEIPT OF THE INFORMATION SHEET.

13 (III) THE DEPARTMENT SHALL CREATE THE INFORMATION
14 SHEET AND ACKNOWLEDGMENT STATEMENT REQUIRED UNDER THIS
15 PARAGRAPH.

16 (4) THE DEPARTMENT MAY USE MATERIALS AVAILABLE FROM
17 THE CENTERS FOR DISEASE CONTROL AND PREVENTION, THE BRAIN INJURY
18 ASSOCIATION OF MARYLAND, OR ANY OTHER APPROPRIATE ~~SOURCE TO~~
19 ~~FULFILL~~ ENTITY TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

20 (C) (1) A ~~STUDENT-ATHLETE~~ STUDENT WHO IS SUSPECTED OF
21 SUSTAINING A CONCUSSION OR ~~ANY~~ OTHER HEAD INJURY IN A PRACTICE OR
22 GAME SHALL BE REMOVED FROM PLAY AT THAT TIME.

23 (2) A ~~STUDENT-ATHLETE~~ STUDENT WHO HAS BEEN REMOVED
24 FROM PLAY MAY NOT RETURN TO PLAY UNTIL THE ~~STUDENT-ATHLETE~~ STUDENT
25 HAS OBTAINED WRITTEN CLEARANCE ~~BY~~ FROM A LICENSED HEALTH CARE
26 PROVIDER TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS
27 ~~AND HEAD INJURY.~~

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

31 (I) INFORMATION ON CONCUSSIONS AND HEAD INJURIES
32 TO THE INDIVIDUAL AND, IF APPLICABLE, A PARENT OR GUARDIAN OF THE
33 INDIVIDUAL; AND

1 (II) NOTICE THAT ACKNOWLEDGMENT OF THE RECEIPT OF
 2 THE INFORMATION BY THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR
 3 GUARDIAN OF THE INDIVIDUAL, IS REQUIRED.

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

6 (I) A SEPARATE INFORMATION SHEET; OR

7 (II) A NOTICE ON THE REGISTRATION FORM FOR A YOUTH
 8 SPORTS PROGRAM STATING THAT INFORMATION ON CONCUSSION AND HEAD
 9 INJURY IS AVAILABLE, INCLUDING DIRECTIONS ON HOW TO RECEIVE THE
 10 INFORMATION ELECTRONICALLY.

11 (3) THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR
 12 GUARDIAN OF THE INDIVIDUAL SHALL:

13 (I) ACKNOWLEDGE RECEIPT OF THE INFORMATION SHEET
 14 BY:

15 1. SIGNATURE;

16 2. CHECKING AN ACKNOWLEDGMENT BOX ON THE
 17 REGISTRATION FORM; OR

18 3. ANOTHER METHOD OF WRITTEN OR ELECTRONIC
 19 ACKNOWLEDGMENT; AND

20 (II) RETURN THE ACKNOWLEDGMENT TO THE COUNTY
 21 BOARD OR THIRD PARTY.

22 ~~(D)~~ (E) BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A A
 23 YOUTH SPORTS PROGRAM SHALL PROVIDE THAT USES A PUBLIC SCHOOL
 24 FACILITY SHALL PROVIDE ANNUALLY TO THE COUNTY BOARD OR THE BOARD'S
 25 AGENT A STATEMENT OF COMPLIANCE INTENT TO COMPLY FOR ALL OF ITS
 26 ATHLETIC ACTIVITIES WITH THE REQUIREMENTS FOR THE MANAGEMENT OF A
 27 CONCUSSION OR OTHER HEAD INJURY OF A STUDENT-ATHLETE PARTICIPANT
 28 UNDER SUBSECTION (C) OF THIS SECTION.

29 Article - Health - General

30 SUBTITLE 5. YOUTH SPORTS PROGRAMS.

31 14-501.

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

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

6 **(I) A FALL;**

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

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

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

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

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

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

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

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

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

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

1 **(D) BEFORE A YOUTH SPORTS PROGRAM MAY USE A FACILITY OWNED**
 2 **OR OPERATED BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL**
 3 **PROVIDE NOTICE TO THE YOUTH SPORTS PROGRAM OF THE REQUIREMENTS OF**
 4 **THIS SECTION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.