

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 961
Ways and Means

(Delegate Miller)

Public Schools and Youth Sports Programs - Concussion Protocol - Alterations

This bill expressly authorizes an athletic official, coach, school personnel, or parent or guardian of a student to immediately remove that student from play (and prevent that student from returning, as specified) in accordance with current law requiring a student who is suspected of sustaining a concussion or other head injury in a practice or game to be removed from play at that time (and current law specifying when a student should be prevented from returning). A person may not establish a regulation, rule, policy, or practice or provide formal, informal, written, or oral guidance, including any part of training, to restrict or diminish an individual’s authority relating to concussion protocols or to deter an individual from lawfully exercising the individual’s authority relating to concussion protocols. Under the bill, a person may bring an action for declaratory relief to enforce provisions of current law relating to concussion protocols. The bill expands concussion protocol-related training requirements and programs be applicable to athletic officials, as specified. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can work with the Maryland Department of Health, the Maryland Public Secondary Schools Athletic Association (MPSSAA), and other stakeholders to update guidance and regulations as necessary with existing resources. The Judiciary can handle potential additional litigation costs associated with new petitions for declaratory relief with existing resources. Revenues are not affected.

Local Effect: Local school systems can update policies and procedures as needed with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Athletic official means an individual who officiates a sports contest for compensation or as a volunteer.

The bill expressly authorizes an athletic official, coach, school personnel, or parent or guardian of a student to immediately remove that student from play in accordance with current law requiring a student who is suspected of sustaining a concussion or other head injury in a practice or game to be removed from play at that time. The bill also expressly authorizes such individuals to, in accordance with current law, prevent a student who has been removed from play from returning until the student has obtained written clearance from a licensed health care provider trained in the evaluation and management of concussion.

The current law requirement for MSDE to implement a program to provide awareness of specified concussion-related items to coaches, school personnel, students, and the parents or guardians of students is expanded to include athletic officials. MSDE must have a process to verify that athletic officials have received information on the program (in addition to coaches, as required by current law).

Current Law: Youth sports programs must make available information on concussions, head injuries, and sudden cardiac arrest developed by MSDE to coaches, youth athletes, and the parents or guardians of youth athletes. A coach of a youth sports program is required to review the information.

A youth athlete or student athlete who is suspected of sustaining a concussion or other head injury in a practice or game must be removed from play at that time and may not return to play until the youth athlete has obtained written clearance from a licensed health care provider trained in the evaluation and management of concussions. Each school must use the graduated return to play protocols instituted in the [Policies and Programs on Concussions for Public Schools and Youth Sport Programs](#).

The concussion awareness program developed by MSDE must promote awareness on the nature and risk of a concussion or head injury, criteria for removal from and return to play, risks of not reporting injury and continuing to play, and appropriate academic accommodations for students diagnosed with concussions or head injuries. The program must include a process to verify that a coach has received information relating to the program.

Before a student enrolled in a public school system in Maryland may participate in an authorized interscholastic athletic activity, a local board must provide a concussion and head injury information sheet to the student and the student's parent or guardian; both must

acknowledge the receipt of this sheet by signing a statement. MSDE must create the information sheet and the acknowledgement statement.

Before an individual participates in an authorized athletic activity on school property, a local board must provide, or require a third party to provide, (1) information on concussions and head injuries to the individual and, if applicable, a parent or guardian; and (2) notice that acknowledgement of receipt of the information is required. The individual and, if applicable, the parent or guardian, must then acknowledge receipt of the information and return the acknowledgement to the local board or third party.

A youth sports program that uses a public school facility must annually provide to the local board (or the board's agent) a statement of intent to comply with the bill's requirements for the management of a concussion or other head injury of a participant. A youth sports program must also make the information on concussions and head injuries developed by MSDE available to coaches, youth athletes, and parents and guardians. A coach must review the information. Before a youth sports program may use a facility owned or operated by a local government, the local government must provide notice to the youth sports program of the requirements of the bill. Additionally, as specified in Maryland regulations, youth sports programs seeking to use school facilities must verify in writing that they have distributed concussion information to parents or guardians and have received verifiable acknowledgment of receipt. Each youth sports program must annually affirm to the local school system its compliance with concussion information procedures.

Additional Comments: In June 2025, the Appellate Court of Maryland affirmed a lower court decision in [Duncan S. Morgen-Westrick v. Maryland Public Secondary Schools Athletic Association](#) that MPSSAA PowerPoint slides providing guidance for athletic officials on concussions (1) were not Maryland regulations subject to the Administrative Procedure Act (APA), but rather rules that did not need to go through APA procedure and (2) did not infringe on the appellant's free speech rights. The MPSSAA slides in questions indicated that (1) "it is not the responsibility of an official to assess a potential concussion" and (2) "it is appropriate for an official to suggest to a coach to attend to a player exhibiting the above signs, refraining from assessing that you think the player has a concussion."

MPSSAA advises that there may be a fiscal impact to athletic officials, who operate as independent contractors, to obtain the required training under the bill, however Montgomery County Public Schools advises that the National Federation of State High School Associations offers a free [Concussion in Sports Course](#) that may offset costs. MPSSAA also advises that the bill may present additional liability risk to athletic officials who share the responsibility of identifying students with concussions and removing such students from play.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Maryland State Department of Education; Anne Arundel County Public Schools; Baltimore City Public Schools; Frederick County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Talbot County Public Schools; Wicomico County Public Schools; Department of Legislative Services

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