

Chapter 549

(House Bill 858)

AN ACT concerning

Education – ~~Student Athletes~~ Public Schools and Youth Sports Programs – 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, ~~student athletes~~, students, and parents or guardians of ~~student athletes~~ students on the risk of concussions and head injuries; requiring a county board of education to provide ~~a~~ a certain information sheet and a certain notice to a certain student ~~athlete~~ and parent or guardian; requiring a student ~~athlete~~ 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 compliance intent to comply to certain county boards of ~~education; granting certain immunity to volunteer health care providers under certain circumstances;~~ 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

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

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

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

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

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

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

Article – Education

7-432.

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

~~(i) AN EDUCATIONAL INSTITUTION; OR~~

~~(ii) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM CONDUCTED:~~

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

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

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

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

~~(i) UNDER THE AGE OF 18 YEARS; OR~~

~~(ii) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF AGE. 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, ~~STUDENT ATHLETES~~ STUDENTS, AND THE PARENTS OR GUARDIANS OF ~~STUDENT ATHLETES~~ 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 ~~STUDENT ATHLETES WHO ARE SUSPECTED OF SUSTAINING~~ STUDENTS DIAGNOSED AS HAVING SUSTAINED A CONCUSSION OR HEAD INJURY.

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

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

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

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

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

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

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

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

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

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

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

(I) A SEPARATE INFORMATION SHEET; OR

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

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

(I) ACKNOWLEDGE RECEIPT OF THE INFORMATION ~~SHEET~~ BY:

1. SIGNATURE;
2. CHECKING AN ACKNOWLEDGMENT BOX ON THE REGISTRATION FORM; OR
3. ANOTHER METHOD OF WRITTEN OR ELECTRONIC ACKNOWLEDGMENT; AND

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

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

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

Article – Health – General

SUBTITLE 5. YOUTH SPORTS PROGRAMS.

14-501.

(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 ATHLETE” MEANS AN INDIVIDUAL WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN ASSOCIATION WITH A YOUTH SPORTS PROGRAM CONDUCTED:

(I) AT A PUBLIC SCHOOL FACILITY; OR

(II) BY A RECREATIONAL ATHLETIC ORGANIZATION.

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

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

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

(2) A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PLAY 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.

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

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

Approved by the Governor, May 19, 2011.