

HOUSE BILL 426

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4r1473

By: **Delegates Cardin, Jameson, Mitchell, and Sophocleus**

Introduced and read first time: January 24, 2014

Assigned to: Ways and Means and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Concussion Impact Sensor Pilot Program**

3 FOR the purpose of establishing the Concussion Impact Sensor Pilot Program;
4 requiring the State Department of Education to develop and implement the
5 Program, in collaboration with certain entities; prohibiting certain funds from
6 being used to purchase concussion impact sensors; requiring certain
7 circumstances to be met before the Program can be implemented; if the Program
8 can be implemented, requiring each board of education to choose one high school
9 football team to participate in the Program and to provide certain team
10 members with a concussion impact sensor; requiring high schools chosen to
11 participate in the Program to keep a record of certain information and to report
12 to the Department certain information; defining certain terms; requiring the
13 Department to report to certain committees, on or before a certain date, certain
14 information and make certain recommendations relating to the Program;
15 providing for the termination of this Act; and generally relating to the
16 Concussion Impact Sensor Pilot Program.

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 7–433
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2013 Supplement)

22 BY adding to
23 Article – Education
24 Section 7–433.1
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

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7-433.

(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 sports program” means a program organized for recreational athletic competition or instruction for participants who 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, students, and the parents or guardians of 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 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 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 and a parent or guardian of the student.

1 (ii) The student and the parent or guardian of the student shall
2 sign a statement acknowledging receipt of the information sheet.

3 (iii) The Department shall create the information sheet and
4 acknowledgment statement required under this paragraph.

5 (4) The Department may use materials available from the Centers for
6 Disease Control and Prevention, the Brain Injury Association of Maryland, or any
7 other appropriate entity to carry out the requirements of this subsection.

8 (c) (1) A student who is suspected of sustaining a concussion or other
9 head injury in a practice or game shall be removed from play at that time.

10 (2) A student who has been removed from play may not return to play
11 until the student has obtained written clearance from a licensed health care provider
12 trained in the evaluation and management of concussions.

13 (d) (1) Before an individual participates in an authorized athletic activity
14 on school property, the county board shall provide, or require that a third party
15 provide:

16 (i) Information on concussions and head injuries to the
17 individual and, if applicable, a parent or guardian of the individual; and

18 (ii) Notice that acknowledgment of the receipt of the
19 information by the individual and, if applicable, the parent or guardian of the
20 individual, is required.

21 (2) The information required under paragraph (1) of this subsection
22 shall be in the form of:

23 (i) A separate information sheet; or

24 (ii) A notice on the registration form for a youth sports program
25 stating that information on concussion and head injury is available, including
26 directions on how to receive the information electronically.

27 (3) The individual and, if applicable, the parent or guardian of the
28 individual shall:

29 (i) Acknowledge receipt of the information by:

30 1. Signature;

31 2. Checking an acknowledgment box on the registration
32 form; or

1 3. Another method of written or electronic
2 acknowledgment; and

3 (ii) Return the acknowledgment to the county board or third
4 party.

5 (e) A youth sports program that uses a public school facility shall provide
6 annually to the county board or the board's agent a statement of intent to comply for
7 all of its athletic activities with the requirements for the management of a concussion
8 or other head injury of a participant under this section.

9 **7-433.1.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (2) "CONCUSSION" HAS THE MEANING STATED IN § 7-433 OF THIS
13 SUBTITLE.

14 (3) "PROGRAM" MEANS THE PILOT CONCUSSION IMPACT
15 SENSOR PILOT PROGRAM.

16 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
17 DEPARTMENT SHALL DEVELOP AND IMPLEMENT A CONCUSSION IMPACT
18 SENSOR PILOT PROGRAM IN THE STATE, IN COLLABORATION WITH THE
19 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE
20 MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE
21 MARYLAND ATHLETIC TRAINERS' ASSOCIATION, THE BRAIN INJURY
22 ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH
23 CARE PROVIDERS WHO TREAT CONCUSSIONS.

24 (2) (I) FEDERAL, STATE, AND LOCAL FUNDS MAY NOT BE USED
25 TO PURCHASE CONCUSSION IMPACT SENSORS.

26 (II) THE PROGRAM MAY NOT BE IMPLEMENTED UNLESS
27 CONCUSSION IMPACT SENSORS ARE DONATED FOR THE PROGRAM.

28 (C) (1) IF THE PROGRAM CAN BE IMPLEMENTED, EACH COUNTY
29 BOARD SHALL:

30 (I) CHOOSE ONE HIGH SCHOOL FOOTBALL TEAM TO
31 PARTICIPATE IN THE PROGRAM; AND

1 **(II) PROVIDE EACH MEMBER OF THE FOOTBALL TEAM WITH**
2 **A CONCUSSION IMPACT SENSOR.**

3 **(2) FOR EACH FOOTBALL SEASON, A HIGH SCHOOL CHOSEN TO**
4 **PARTICIPATE IN THE PROGRAM SHALL KEEP A RECORD OF:**

5 **(I) THE NUMBER OF TIMES AN IMPACT SENSOR WAS**
6 **ACTIVATED;**

7 **(II) THE NUMBER OF STUDENTS WHO HAVE BEEN**
8 **SUSPECTED OF SUSTAINING A CONCUSSION OR OTHER HEAD INJURY IN A**
9 **PRACTICE OR GAME AS A RESULT OF AN ACTIVATED CONCUSSION IMPACT**
10 **SENSOR WHO HAVE BEEN REMOVED FROM PLAY AS REQUIRED UNDER §**
11 **7-433(C) OF THIS SUBTITLE;**

12 **(III) THE NUMBER OF STUDENTS WHO WERE DETERMINED**
13 **TO HAVE SUFFERED A CONCUSSION OR OTHER HEAD INJURY WHO**
14 **PARTICIPATED IN THE PROGRAM; AND**

15 **(IV) FOR EACH STUDENT REMOVED FROM PLAY, THE**
16 **AMOUNT OF TIME BETWEEN THE DATE OF A CONCUSSION OR HEAD INJURY AND**
17 **THE RETURN TO PLAY.**

18 **(3) ON OR BEFORE DECEMBER 15 OF EACH SCHOOL YEAR, EACH**
19 **HIGH SCHOOL CHOSEN TO PARTICIPATE IN THE PROGRAM SHALL REPORT TO**
20 **THE DEPARTMENT THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF**
21 **THIS SUBSECTION.**

22 **(D) ON OR BEFORE JANUARY 1, 2017, THE DEPARTMENT SHALL**
23 **PROVIDE A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
24 **GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND**
25 **ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS**
26 **AND MEANS THAT:**

27 **(1) COMPILES THE INFORMATION SUBMITTED TO THE**
28 **DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION; AND**

29 **(2) PROVIDES RECOMMENDATIONS RELATING TO THE FUTURE**
30 **USE OF CONCUSSION IMPACT SENSORS BY STUDENTS WHO PARTICIPATE IN**
31 **PUBLIC HIGH SCHOOL INTERSCHOLASTIC SPORTS.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2014. It shall remain effective for a period of 3 years and, at the end of June 30,

1 2017, with no further action required by the General Assembly, this Act shall be
2 abrogated and of no further force and effect.