

HOUSE BILL 1210

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8lr0532

By: **Delegates Hill, Ali, Hettleman, Jalisi, Lam, R. Lewis, McCray, Morhaim, K. Young, and P. Young**

Introduced and read first time: February 8, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Schools and Youth Sports Programs – Physical Sports**

3 FOR the purpose of requiring the State Department of Education, in collaboration with
4 certain individuals and entities, to set certain standards on head injuries; requiring
5 the standards to include certain requirements; requiring county boards of education
6 to provide access to a certain head injury course to certain individuals and requiring
7 the individuals to acknowledge receipt; authorizing the Department to use certain
8 head injury courses; requiring an individual who has completed head injury risk and
9 management training or is a licensed health care provider to be responsible for
10 on-site management of all head injuries during each practice and game, including
11 certain decisions; prohibiting the State Board of Education from approving physical
12 sports as part of certain programs to be offered to certain students and requiring the
13 revocation of certain previously approved programs; prohibiting certain students
14 from participating in certain sports programs that include physical sports; providing
15 for the construction of certain provisions of law regarding sports programs that
16 include nonphysical sports; requiring the Department to develop and offer a certain
17 course; requiring certain students to take a certain course and provide a certain
18 certificate to participate in a sports program that includes physical sports; requiring
19 the Department to adopt certain regulations; requiring certain youth sports
20 programs using certain public school facilities to submit a certain statement to
21 county boards of education on or before a certain date each year; authorizing a youth
22 sports program to provide information to certain individuals in a certain format;
23 prohibiting a youth sports program for certain youth athletes from including physical
24 sports; requiring a youth sports program to make certain courses on the risks
25 associated with head injuries available to certain participating youth athletes and to
26 certain coaches; requiring a local government to provide a certain notice to a youth
27 sports program under certain circumstances; defining certain terms; altering a
28 certain definition; making conforming changes; and generally relating to public
29 schools and youth sports programs and physical sports.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY renumbering
 2 Article – Health – General
 3 Section 14–501
 4 to be Section 14–502
 5 Annotated Code of Maryland
 6 (2015 Replacement Volume and 2017 Supplement)
- 7 BY repealing and reenacting, with amendments,
 8 Article – Education
 9 Section 7–433
 10 Annotated Code of Maryland
 11 (2014 Replacement Volume and 2017 Supplement)
- 12 BY adding to
 13 Article – Education
 14 Section 7–433.1
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2017 Supplement)
- 17 BY adding to
 18 Article – Health – General
 19 Section 14–501 and 14–503
 20 Annotated Code of Maryland
 21 (2015 Replacement Volume and 2017 Supplement)
- 22 BY repealing and reenacting, with amendments,
 23 Article – Health – General
 24 Section 14–502
 25 Annotated Code of Maryland
 26 (2015 Replacement Volume and 2017 Supplement)
 27 (As enacted by Section 1 of this Act)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 29 That Section(s) 14–501 of Article – Health – General of the Annotated Code of Maryland be
 30 renumbered to be Section(s) 14–502.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 32 as follows:

33 **Article – Education**

34 7–433.

35 (a) (1) In this section the following words have the meanings indicated.

36 (2) (I) [“Concussion”] **“HEAD INJURY”** means a traumatic injury to the
 37 brain causing an immediate and, usually, short–lived change in mental status or an

1 alteration of normal consciousness resulting from:

2 [(i)] 1. A fall;

3 [(ii)] 2. A violent blow to the head or body; or

4 [(iii)] 3. The shaking or spinning of the head or body.

5 **(II) “HEAD INJURY” INCLUDES A CONCUSSION AND A**
6 **SUBCONCUSSIVE INJURY.**

7 (3) “Youth sports program” means a program organized for recreational
8 athletic competition or instruction for participants who are under the age of 19 years.

9 (b) (1) The Department shall develop policies and implement a program to
10 provide awareness to **AND SET STANDARDS FOR** coaches, school personnel, students, and
11 the parents or guardians of students, in collaboration with the Maryland Department of
12 Health, each county board, the Maryland Public Secondary Schools Athletic Association,
13 the Maryland Athletic Trainers’ Association, the Brain Injury Association of Maryland, and
14 representatives of licensed health care providers who treat [concussions] **HEAD INJURIES,**
15 on:

16 (i) The nature and risk of a [concussion or] head injury;

17 (ii) The criteria for removal from and return to play;

18 (iii) The risks of not reporting injury and continuing to play; and

19 (iv) Appropriate academic accommodations for students diagnosed as
20 having sustained a [concussion or] head injury.

21 **(2) THE STANDARDS DEVELOPED UNDER THIS SUBSECTION FOR**
22 **TREATING HEAD INJURIES SHALL INCLUDE:**

23 **(I) A REQUIREMENT THAT A SCHOOL NURSE IS NOTIFIED**
24 **WHENEVER A STUDENT SUSTAINS A HEAD INJURY; AND**

25 **(II) A REQUIREMENT THAT APPROPRIATE ACADEMIC**
26 **ACCOMMODATIONS FOR STUDENTS DIAGNOSED WITH HEAD INJURIES INCLUDE:**

27 1. **ALLOWING EXTENDED TIME FOR COMPLETING EXAMS**
28 **AND ASSIGNMENTS;**

29 2. **PROVIDING ELECTRONIC BOOKS;**

3. PROVIDING AUDIOBOOKS;

4. PROVIDING AUDIO OR VIDEO RECORDINGS OF CLASSROOM INSTRUCTION; AND

5. PROVIDING NOTES OF CLASSROOM INSTRUCTION.

[(2)] (3) The program shall include a process to verify that a coach has received information on the program **AND STANDARDS** developed under paragraph (1) of this subsection.

[(3)] (4) (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 **AND ACCESS TO AN ONLINE HEAD INJURY COURSE** to the student and a parent or guardian of the student.

(ii) The student and the parent or guardian of the student shall sign a statement acknowledging receipt of the information sheet **AND ACCESS TO THE ONLINE COURSE.**

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

(IV) THE DEPARTMENT MAY USE AN ONLINE COURSE FROM THE ENTITIES UNDER PARAGRAPH (5) OF THIS SUBSECTION OR CREATE ITS OWN.

[(4)] (5) 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) **AN INDIVIDUAL WHO HAS COMPLETED HEAD INJURY RISK AND MANAGEMENT TRAINING OR A LICENSED HEALTH CARE PRACTITIONER SHALL BE RESPONSIBLE FOR THE ON-SITE MANAGEMENT OF ALL HEAD INJURIES DURING EACH PRACTICE AND GAME, INCLUDING FINAL DECISIONS REGARDING A STUDENT'S REMOVAL FROM OR RETURN TO PLAY.**

(2) A student 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)] (3) A student who has been removed from play may not return to play until the student has obtained written clearance from a licensed health care provider trained in the evaluation and management of [concussions] **HEAD INJURIES.**

(d) (1) Before an individual participates in an authorized athletic activity on

1 school property, the county board shall provide, or require that a third party provide:

2 (i) Information on [concussions and] head injuries to the individual
3 and[, if applicable,] a parent or guardian of the individual; and

4 (ii) Notice that acknowledgment of the receipt of the information by
5 the individual and[, if applicable,] the parent or guardian of the individual, is required.

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

8 (i) A separate information sheet; [or]

9 **(II) AN ONLINE COURSE; OR**

10 **[(ii)] (III)** A notice on the registration form for a youth sports
11 program stating that information on [concussion and] head injury is available, including
12 directions on how to receive the information electronically.

13 (3) The individual and[, if applicable,] the parent or guardian of the
14 individual shall:

15 (i) Acknowledge receipt of the information by:

16 1. Signature;

17 2. Checking an acknowledgment box on the registration
18 form; or

19 3. **A.** Another method of written or electronic
20 acknowledgment; [and] **OR**

21 **B. INCLUDING, IN THE CASE OF AN ONLINE COURSE,**
22 **PROVIDING A CERTIFICATE OF COMPLETION; AND**

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

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

28 **7-433.1.**

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

1 INDICATED.

2 (2) "HEAD INJURY" HAS THE MEANING STATED IN § 7-433 OF THIS
3 SUBTITLE.

4 (3) "PHYSICAL SPORT" MEANS:

5 (I) TACKLE FOOTBALL;

6 (II) SOCCER IN WHICH HEAD BUTTING OF THE BALL IS
7 ALLOWED;

8 (III) ICE HOCKEY IN WHICH CHECKING IS ALLOWED;

9 (IV) FIELD HOCKEY IN WHICH CHECKING IS ALLOWED;

10 (V) LACROSSE IN WHICH CHECKING IS ALLOWED;

11 (VI) TACKLE RUGBY; AND

12 (VII) ANY OTHER SPORT IN WHICH PHYSICAL ACTIVITY RESULTS
13 IN A HIGH RISK OF HEAD INJURY.

14 (4) "SPORTS PROGRAM" MEANS AN INTRAMURAL ATHLETIC
15 ACTIVITY, AN INTERSCHOLASTIC ATHLETIC ACTIVITY, OR A PHYSICAL EDUCATION
16 PROGRAM THAT IS DEVELOPED AND OFFERED TO STUDENTS IN ACCORDANCE WITH
17 CRITERIA ESTABLISHED BY THE STATE BOARD.

18 (5) "YOUTH SPORTS PROGRAM" HAS THE MEANING STATED IN §
19 7-433 OF THIS SUBTITLE.

20 (B) (1) THE STATE BOARD:

21 (I) MAY NOT APPROVE A PHYSICAL SPORT AS PART OF ANY
22 SPORTS PROGRAM TO BE OFFERED TO STUDENTS IN ELEMENTARY OR MIDDLE
23 SCHOOL; AND

24 (II) SHALL REVOKE ANY PREVIOUSLY AUTHORIZED SPORTS
25 PROGRAM THAT INCLUDES A PHYSICAL SPORT THAT WAS OFFERED TO STUDENTS IN
26 ELEMENTARY OR MIDDLE SCHOOL.

27 (2) A STUDENT IN ELEMENTARY OR MIDDLE SCHOOL MAY NOT
28 PARTICIPATE IN A SPORTS PROGRAM THAT INCLUDES A PHYSICAL SPORT.

1 OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:

2 (I) A FALL;

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

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

5 (2) "HEAD INJURY" INCLUDES A CONCUSSION AND A SUBCONCUSSIVE
6 INJURY.

7 (C) "PHYSICAL SPORT" MEANS:

8 (1) TACKLE FOOTBALL;

9 (2) SOCCER IN WHICH HEAD BUTTING OF THE BALL IS ALLOWED;

10 (3) ICE HOCKEY IN WHICH CHECKING IS ALLOWED;

11 (4) FIELD HOCKEY IN WHICH CHECKING IS ALLOWED;

12 (5) LACROSSE IN WHICH CHECKING IS ALLOWED;

13 (6) TACKLE RUGBY; AND

14 (7) ANY OTHER SPORT IN WHICH PHYSICAL ACTIVITY RESULTS IN A
15 HIGH RISK OF HEAD INJURY.

16 (D) "SUDDEN CARDIAC ARREST" MEANS A CONDITION IN WHICH THE HEART
17 SUDDENLY AND UNEXPECTEDLY STOPS BEATING.

18 (E) "YOUTH ATHLETE" MEANS AN INDIVIDUAL WHO PARTICIPATES IN AN
19 ATHLETIC ACTIVITY IN ASSOCIATION WITH A YOUTH SPORTS PROGRAM CONDUCTED:

20 (1) AT A PUBLIC SCHOOL FACILITY; OR

21 (2) BY A RECREATIONAL ATHLETIC ORGANIZATION.

22 (F) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM ORGANIZED FOR
23 RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR PARTICIPANTS WHO
24 ARE UNDER THE AGE OF 19 YEARS.

25 14-502.

1 [(a) (1) In this section the following words have the meanings indicated.

2 (2) “Concussion” means a traumatic injury to the brain causing an
3 immediate and, usually, short-lived change in mental status or an alteration of normal
4 consciousness resulting from:

5 (i) A fall;

6 (ii) A violent blow to the head or body; or

7 (iii) The shaking or spinning of the head or body.

8 (3) “Sudden cardiac arrest” means a condition in which the heart suddenly
9 and unexpectedly stops beating.

10 (4) “Youth athlete” means an individual who participates in an athletic
11 activity in association with a youth sports program conducted:

12 (i) At a public school facility; or

13 (ii) By a recreational athletic organization.

14 (5) “Youth sports program” means a program organized for recreational
15 athletic competition or instruction for participants who are under the age of 19 years.]

16 [(b)] (A) (1) (I) A youth sports program shall make available information
17 on [concussions,] head injuries[,] and sudden cardiac arrest developed by the State
18 Department of Education under §§ 7-433 and 7-436 of the Education Article to coaches,
19 youth athletes, and the parents or guardians of youth athletes.

20 (II) THE INFORMATION MADE AVAILABLE UNDER THIS
21 PARAGRAPH MAY BE IN THE FORM OF AN ONLINE COURSE.

22 (2) A coach of a youth sports program shall review the information provided
23 in paragraph (1) of this subsection.

24 [(c)] (B) (1) A youth athlete who is suspected of sustaining a [concussion or
25 other] head injury in a practice or game shall be removed from play at that time.

26 (2) A youth athlete who has been removed from play may not return to play
27 until the youth athlete has obtained written clearance from a licensed health care provider
28 trained in the evaluation and management of [concussions] **HEAD INJURIES**.

29 [(d)] (C) Before a youth sports program may use a facility owned or operated by
30 a local government, the local government shall provide notice to the youth sports program
31 of the requirements of this section.

1 **14-503.**

2 **(A) A YOUTH SPORTS PROGRAM FOR YOUTH ATHLETES OF ELEMENTARY OR**
3 **MIDDLE SCHOOL AGE MAY NOT INCLUDE PHYSICAL SPORTS.**

4 **(B) (1) A YOUTH SPORTS PROGRAM FOR HIGH SCHOOL AGE ATHLETES**
5 **THAT INCLUDES PHYSICAL SPORTS SHALL MAKE AVAILABLE TO THE PARTICIPATING**
6 **YOUTH ATHLETES COURSES ON THE RISKS ASSOCIATED WITH HEAD INJURIES**
7 **DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION UNDER § 7-433.1 OF THE**
8 **EDUCATION ARTICLE.**

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

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

14 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June**
15 **1, 2018.**