

SENATE BILL 840

F1, J1

8lr3751
CF HB 552

By: **Senator Smith**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Youth Sports Programs – Concussion Risk and Management Training –**
3 **Requirements**

4 FOR the purpose of requiring the State Department of Education to educate, instead of
5 provide awareness to, coaches, school personnel, students, and the parents or
6 guardians of students on certain matters relating to concussions and head injuries;
7 requiring an individual who has completed concussion risk and management
8 training or is a licensed health care provider to be responsible for on-site
9 management of all concussion and head injuries during each practice and game,
10 including certain decisions; requiring a certain youth sports program to require that
11 an individual who has completed concussion risk and management training be
12 present at every practice and game unless the youth sports program has a certain
13 policy; authorizing a youth sports program to require certain individuals to
14 successfully complete certain training for a certain purpose; prohibiting a youth
15 sports program from requiring a certain individual to complete certain training;
16 requiring certain concussion risk and management training to be equivalent to
17 certain other training; requiring a local school system to make certain concussion
18 risk and management training available to certain individuals with a certain youth
19 sports program; authorizing a local school system to charge a certain fee for certain
20 training; prohibiting a local school system from requiring certain individuals to take
21 that local school system's concussion risk and management training; requiring
22 certain entities to provide a certain notice to certain youth sports programs; altering
23 certain definitions; and generally relating to youth sports programs and concussion
24 risk and management training.

25 BY repealing and reenacting, with amendments,
26 Article – Education
27 Section 7-433
28 Annotated Code of Maryland
29 (2014 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 14–501
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2017 Supplement)

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

8 **Article – Education**

9 7–433.

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

11 (2) “Concussion” means a **MILD** traumatic injury to the brain causing an
12 immediate and, usually, short–lived change in mental status or an alteration of normal
13 consciousness resulting from:

14 (i) A fall;

15 (ii) A violent blow to the head or body; [or]

16 (iii) The shaking or spinning of the head or body; **OR**

17 **(IV) ANY TYPE OF DIRECT OR INDIRECT HIT TO THE HEAD OR**
18 **BODY.**

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

21 (b) (1) The Department shall develop policies and implement a program to
22 [provide awareness to] **EDUCATE** coaches, school personnel, students, and the parents or
23 guardians of students, in collaboration with the Maryland Department of Health, each
24 county board, the Maryland Public Secondary Schools Athletic Association, the Maryland
25 Athletic Trainers’ Association, the Brain Injury Association of Maryland, and
26 representatives of licensed health care providers who treat concussions, on:

27 (i) The nature and risk of a concussion or head injury;

28 (ii) The criteria for removal from **PLAY, STEPS TOWARD GRADUAL**
29 **RETURN TO FULL ACTIVITY**, and return to play;

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

31 (iv) Appropriate academic accommodations for students diagnosed as

1 having sustained a concussion or head injury.

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

4 (3) (i) Before a student enrolled in a public school system in the State
5 may participate in an authorized interscholastic athletic activity, the county board shall
6 provide a concussion and head injury information sheet to the student and a parent or
7 guardian of the student.

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

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

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

15 (c) (1) **AN INDIVIDUAL WHO HAS COMPLETED CONCUSSION RISK AND**
16 **MANAGEMENT TRAINING OR A LICENSED HEALTH CARE PROVIDER SHALL BE**
17 **RESPONSIBLE FOR THE ON-SITE MANAGEMENT OF ALL CONCUSSION OR HEAD**
18 **INJURIES DURING EACH PRACTICE AND GAME, INCLUDING FINAL DECISIONS**
19 **REGARDING A STUDENT'S REMOVAL FROM OR RETURN TO PLAY.**

20 (2) A student who is suspected of sustaining a concussion or other head
21 injury in a practice or game shall be removed from play at that time.

22 [(2)] (3) A student who has been removed from play may not return to
23 play until the student has obtained written clearance from a licensed health care provider
24 trained in the evaluation and management of concussions.

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

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

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

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

33 (i) A separate information sheet; or

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

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

6 (i) Acknowledge receipt of the information by:

7 1. Signature;

8 2. Checking an acknowledgment box on the registration
9 form; or

10 3. Another method of written or electronic acknowledgment;
11 and

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

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

17 Article – Health – General

18 14–501.

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

20 (2) “Concussion” means a **MILD** traumatic injury to the brain causing an
21 immediate and, usually, short-lived change in mental status or an alteration of normal
22 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; **OR**

26 **(IV) ANY TYPE OF DIRECT OR INDIRECT HIT TO THE HEAD OR**
27 **BODY.**

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

1 (4) "Youth athlete" means an individual who participates in an athletic
2 activity in association with a youth sports program conducted:

3 (i) At a public school facility; or

4 (ii) By a recreational athletic organization.

5 (5) "Youth sports program" means a program organized for recreational
6 athletic competition or instruction for participants who are under the age of 19 years.

7 **(B) THIS SECTION APPLIES TO A YOUTH SPORTS PROGRAM THAT USES A
8 PUBLIC SCHOOL FACILITY, ANY FACILITY OWNED OR OPERATED BY A LOCAL
9 GOVERNMENT, OR ANY OTHER FACILITY THAT RECEIVES STATE OR LOCAL FUNDS.**

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

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

16 **(D) (1) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF
17 THIS PARAGRAPH, A YOUTH SPORTS PROGRAM SHALL REQUIRE AN INDIVIDUAL WHO
18 HAS SUCCESSFULLY COMPLETED CONCUSSION RISK AND MANAGEMENT TRAINING
19 TO BE PRESENT AT EVERY PRACTICE AND GAME.**

20 **(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS
21 PARAGRAPH DO NOT APPLY TO A YOUTH SPORTS PROGRAM THAT REQUIRES A
22 CERTIFIED ATHLETIC TRAINER TO BE PRESENT AT EVERY PRACTICE AND GAME.**

23 **(2) A YOUTH SPORTS PROGRAM MAY REQUIRE ANY OF THE
24 FOLLOWING INDIVIDUALS TO SUCCESSFULLY COMPLETE CONCUSSION RISK AND
25 MANAGEMENT TRAINING TO FULFILL THE REQUIREMENT UNDER PARAGRAPH (1)(I)
26 OF THIS SUBSECTION:**

27 **(I) A COACH;**

28 **(II) AN ASSISTANT COACH;**

29 **(III) A REFEREE OR OTHER SPORT OFFICIANT OR OFFICIAL; OR**

30 **(IV) ANY OTHER INDIVIDUAL DETERMINED APPROPRIATE BY
31 THE YOUTH SPORTS PROGRAM.**

1 **(3) A YOUTH SPORTS PROGRAM MAY NOT REQUIRE A LICENSED**
2 **HEALTH CARE PROVIDER WHOSE MEDICAL EDUCATION AND TRAINING INCLUDES**
3 **THE DIAGNOSIS AND TREATMENT OF CONCUSSIONS AND OTHER HEAD INJURIES TO**
4 **COMPLETE ADDITIONAL CONCUSSION RISK AND MANAGEMENT TRAINING.**

5 **(E) (1) AN INDIVIDUAL WHO HAS COMPLETED CONCUSSION RISK AND**
6 **MANAGEMENT TRAINING OR A LICENSED HEALTH CARE PROVIDER SHALL BE**
7 **RESPONSIBLE FOR THE ON-SITE MANAGEMENT OF ALL CONCUSSION OR HEAD**
8 **INJURIES DURING EACH PRACTICE AND GAME, INCLUDING FINAL DECISIONS**
9 **REGARDING A STUDENT'S REMOVAL FROM OR RETURN TO PLAY.**

10 **[(c) (1)] (2) A youth athlete who is suspected of sustaining a concussion or**
11 **other head injury in a practice or game shall be removed from play at that time.**

12 **[(2)] (3) A youth athlete who has been removed from play may not return**
13 **to play until the youth athlete has obtained written clearance from a licensed health care**
14 **provider trained in the evaluation and management of concussions.**

15 **(F) (1) THE CONCUSSION RISK AND MANAGEMENT TRAINING REQUIRED**
16 **UNDER SUBSECTION (D) OF THIS SECTION SHALL BE SUBSTANTIALLY EQUIVALENT**
17 **TO THE CONCUSSION RISK AND MANAGEMENT TRAINING THAT A COACH EMPLOYED**
18 **BY THE LOCAL SCHOOL SYSTEM UNDER § 7-433 OF THE EDUCATION ARTICLE IS**
19 **REQUIRED TO COMPLETE.**

20 **(2) A LOCAL SCHOOL SYSTEM SHALL MAKE THE CONCUSSION RISK**
21 **AND MANAGEMENT TRAINING PROVIDED TO COACHES EMPLOYED BY THE LOCAL**
22 **SCHOOL SYSTEM AVAILABLE TO INDIVIDUALS WHO ARE DESIGNATED BY A YOUTH**
23 **SPORTS PROGRAM UNDER SUBSECTION (D)(2) OF THIS SECTION FOR CONCUSSION**
24 **RISK AND MANAGEMENT TRAINING.**

25 **(3) THE LOCAL SCHOOL SYSTEM MAY CHARGE A REASONABLE FEE**
26 **FOR THE CONCUSSION RISK AND MANAGEMENT TRAINING PROVIDED UNDER**
27 **PARAGRAPH (2) OF THIS SUBSECTION.**

28 **(4) A LOCAL SCHOOL SYSTEM MAY NOT REQUIRE AN INDIVIDUAL**
29 **WITH A YOUTH SPORTS PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION**
30 **THAT USES THAT LOCAL SCHOOL SYSTEM'S PUBLIC SCHOOL FACILITIES TO TAKE**
31 **THAT LOCAL SCHOOL SYSTEM'S CONCUSSION RISK AND MANAGEMENT TRAINING.**

32 **[(d)] (G) Before a youth sports program may use a facility owned or operated by**
33 **A PUBLIC SCHOOL, a local government, OR ANY OTHER PUBLIC FACILITY THAT**
34 **RECEIVES STATE OR LOCAL FUNDS, the [local government] ENTITY THAT OWNS THE**
35 **FACILITY shall provide notice to the youth sports program of the requirements of this**

1 section.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2018.