

Department of Legislative Services  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 638

(Senator Hettleman)

Education, Health, and Environmental Affairs

Ways and Means

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**Public Schools - Student Athletics - Requirements and Emergency Action Plans**  
**(Elijah Gorham Act)**

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This bill requires each middle school and high school to develop a venue-specific emergency action plan for the operation and use of automatic external defibrillators (AEDs), and heat acclimatization, as specified. The venue-specific emergency action plan must also include coordination of care for other injuries including cervical spinal injury, concussion and closed head injury, major orthopedic injuries, and severe weather for outdoor facilities. **The bill takes effect July 1, 2022.**

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**Fiscal Summary**

**State Effect:** None. State finances are not affected.

**Local Effect:** Beginning in FY 2023, local school systems may incur additional costs for training and the purchase of additional equipment, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A venue-specific emergency action plan must be (1) posted at each athletic facility at the school; (2) available on the school's website at the beginning of each school year; (3) distributed to each member of the coaching staff; and (4) rehearsed in person by all of the coaching staff of each sport before each of their respective seasons.

The venue-specific emergency action plan must require that an AED be freely accessible during all school functions and located within a three-minute walk from an athletic practice or event on school property. All members of the coaching staff must be trained in the operation and use of AEDs, and a trained member of the coaching staff must be present at all athletic practices and events on school property.

The venue-specific emergency action plan for heat acclimatization must include guidelines for student athletes consistent with the Model Policy for Preseason-Practice Heat Acclimatization Guidelines for Student Athletes as established by statute. The emergency action plan must ensure that (1) each school is properly prepared and equipped to initiate cold water immersion for the treatment of exertional heat stroke; (2) a cooling modality is readily available to student athletes at all athletic practices and events on school property; (3) all members of the coaching staff are trained in cold water immersion; and (4) a trained member of the coaching staff is present at all athletic practices and events on school property.

**Current Law:**

*Automated External Defibrillator Program Requirements*

Each local board of education must develop and implement an AED program that meets specified requirements, including provisions that ensure that an AED is provided on site, and an individual trained in the operation and use of an AED is present at all school-sponsored athletic events.

MSDE, in consultation with the Maryland Department of Health (MDH), the Maryland State School Health Council, and the Maryland Institute for Emergency Medical Services Systems, must adopt regulations that establish guidelines for periodic inspections and annual maintenance of AEDs and assist county boards of education in carrying out requirements related to AEDs.

According to the Code of Maryland Regulations, each local board of education has to develop and implement a high school and middle school AED Program, with at least one AED on site in each public high school and middle school and one individual trained in operation and AED use present at each school-sponsored athletic event. Likewise, at least one trained individual has to be on site at each high school and middle school during the regular school day. An AED coordinator must also be designated, who is trained in cardiopulmonary resuscitation and AED operation.

## *Heat Acclimatization Guidelines for Student Athletes*

Chapter 700 of 2012 required MSDE, in collaboration with MDH, each local board of education, and other specified associations and representatives, to develop heat acclimatization guidelines for student athletes. “Heat acclimatization” means enhancing an individual’s exercise heat tolerance and ability to exercise safely and effectively in warm to hot conditions.

Each local board of education must adopt pre-season practice heat acclimatization guidelines for student athletes. The pre-season practice heat acclimatization guidelines must include requirements for the duration of a practice time, a walk-through, and a recovery period during pre-season practice.

**Local Expenditures:** For instances where a school has simultaneous practices or events occurring at different locations or areas of a school campus, the bill’s requirement that AEDs be located within a three-minute walk from an athletic practice or event on school property may require some schools to purchase additional AEDs to provide coverage for each practice or event. The bill also requires that a cooling modality be made readily available to student athletes at all athletic practices and events on school property. Therefore, local school systems expenditures increase, beginning in fiscal 2023, to the extent additional AEDs and/or cooling modalities must be purchased under the bill. For example, Baltimore City estimates one-time expenditures of approximately \$1.4 million to purchase additional AEDs and cooling modalities in fiscal 2023 and expenditures of \$140,000 annually thereafter for the maintenance and replacement of this equipment.

Local school systems expenditures may also increase, beginning in fiscal 2023, to the extent additional AED and/or heat acclimatization training costs are incurred under the bill. However, an estimate of additional training costs that may be incurred by a local school system under the bill is unavailable.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 836 (Delegate Lierman) - Ways and Means.

**Information Source(s):** Maryland Institute for Emergency Medical Services Systems; Maryland State Department of Education; Maryland Department of Health; Baltimore City Public Schools; Prince George’s County Public Schools; St. Mary’s County Public Schools; Department of Legislative Services

**Fiscal Note History:**  
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