

HOUSE BILL 1210

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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

AN ACT concerning

Education – Public Schools and Youth Sports Programs – Physical Sports

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY renumbering

Article – Health – General
 Section 14–501
 to be Section 14–502
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
 Section 7–433
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education
 Section 7–433.1
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health – General
 Section 14–501 and 14–503
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 14–502
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)
 (As enacted by Section 1 of this Act)

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

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

Article – Education

7–433.

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

(2) (I) [“Concussion”] **“HEAD INJURY”** 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)] 1. A fall;
- [(ii)] 2. A violent blow to the head or body; or
- [(iii)] 3. The shaking or spinning of the head or body.

(II) "HEAD INJURY" INCLUDES A CONCUSSION AND A SUBCONCUSSIVE INJURY.

(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 **AND SET STANDARDS FOR** coaches, school personnel, students, and the parents or guardians of students, in collaboration with the Maryland Department of Health, 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] **HEAD INJURIES**, 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 STANDARDS DEVELOPED UNDER THIS SUBSECTION FOR TREATING HEAD INJURIES SHALL INCLUDE:

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

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

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

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

(i) 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) AN ONLINE COURSE; OR

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

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

(i) Acknowledge receipt of the information by:

1. Signature;

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

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

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

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

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

7-433.1.

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

INDICATED.

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

(3) "PHYSICAL SPORT" MEANS:

(I) TACKLE FOOTBALL;

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

(III) ICE HOCKEY IN WHICH CHECKING IS ALLOWED;

(IV) FIELD HOCKEY IN WHICH CHECKING IS ALLOWED;

(V) LACROSSE IN WHICH CHECKING IS ALLOWED;

(VI) TACKLE RUGBY; AND

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

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

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

(B) (1) THE STATE BOARD:

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

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

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

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE STATE BOARD FROM AUTHORIZING A SPORTS PROGRAM THAT INCLUDES NONPHYSICAL SPORTS FOR STUDENTS IN ELEMENTARY OR MIDDLE SCHOOL.

(C) (1) THE DEPARTMENT SHALL DEVELOP AND OFFER A COURSE ABOUT THE RISKS ASSOCIATED WITH HEAD INJURIES BASED ON THE PROGRAM DEVELOPED UNDER § 7-433 OF THIS SUBTITLE.

(2) A HIGH SCHOOL STUDENT SHALL COMPLETE THE COURSE OFFERED UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE PARTICIPATING IN A SPORTS PROGRAM THAT INCLUDES A PHYSICAL SPORT.

(3) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

(D) ON OR BEFORE AUGUST 1 EACH YEAR, A YOUTH SPORTS PROGRAM THAT USES A PUBLIC SCHOOL FACILITY SHALL SUBMIT TO THE COUNTY BOARD THAT OWNS THE PUBLIC SCHOOL FACILITY A STATEMENT THAT THE YOUTH SPORTS PROGRAM AGREES TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING THAT:

(1) ELEMENTARY AND MIDDLE SCHOOL AGE CHILDREN IN THE YOUTH SPORTS PROGRAM MAY NOT PARTICIPATE IN PHYSICAL SPORTS; AND

(2) HIGH SCHOOL AGE CHILDREN WHO PARTICIPATE IN A YOUTH SPORTS PROGRAM THAT INCLUDES PHYSICAL SPORTS SHALL:

(I) TAKE AN ONLINE COURSE ON THE RISKS ASSOCIATED WITH HEAD INJURIES DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION; AND

(II) PROVIDE THE YOUTH SPORTS PROGRAM WITH A CERTIFICATE OF COMPLETION FOR THE ONLINE COURSE.

Article – Health – General

14-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “HEAD INJURY” 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.

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

(C) "PHYSICAL SPORT" MEANS:

- (1) TACKLE FOOTBALL;
- (2) SOCCER IN WHICH HEAD BUTTING OF THE BALL IS ALLOWED;
- (3) ICE HOCKEY IN WHICH CHECKING IS ALLOWED;
- (4) FIELD HOCKEY IN WHICH CHECKING IS ALLOWED;
- (5) LACROSSE IN WHICH CHECKING IS ALLOWED;
- (6) TACKLE RUGBY; AND

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

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

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

- (1) AT A PUBLIC SCHOOL FACILITY; OR
- (2) BY A RECREATIONAL ATHLETIC ORGANIZATION.

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

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

(4) “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.

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

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

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

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

[(c)] (B) (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] HEAD INJURIES.

[(d)] (C) 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.

14-503.

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

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

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

(C) 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 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.