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An Act To Establish Head Injury Safety Requirements for School Athletic Programs

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6554 is enacted to read:

§ 6554. Head injury prevention and detection for participants in extracurricular athletic activities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Coach" includes a head coach, assistant coach, athletic director, director, manager, parent volunteer or other person responsible for the supervision of students engaged in an extracurricular athletic activity.
- B. "Program" means the program developed pursuant to subsection 2.
- C. "School" means a public school or a private school approved for tuition purposes.
- D. "Student-athlete" means a student participating in an extracurricular athletic activity.

2. Development of program. The commissioner and the Director of the Maine Center for Disease Control and Prevention in the Department of Health and Human Services jointly shall develop a program for the prevention, diagnosis and treatment of head and neck injuries for participants in extracurricular activities in all schools. The program must contain at least the following provisions:

A. At a minimum:

- (1) Training in recognizing the symptoms of potentially catastrophic injuries, including head and neck injuries, concussions and second-impact syndrome;
- (2) Information on the biology of concussions; and
- (3) The short-term and long-term consequences of concussions;

B. The following persons must satisfactorily complete the program:

- (1) A coach; and

(2) A physician or trainer who is employed by a school or school administrative district or who volunteers to assist with an extracurricular athletic activity; and

C. The development of a form to be used by a student-athlete. The form must include information regarding the symptoms of concussions and the short-term and long-term effects of concussions and must be signed by the student and the parent or guardian of the student prior to participation by the student in an extracurricular athletic activity.

The commissioner and the Director of the Maine Center for Disease Control and Prevention shall annually review and update the program.

3. Unreasonably dangerous activity. A coach may not encourage or permit a student-athlete to engage in an unreasonably dangerous activity or technique that unnecessarily endangers the health of the student-athlete, such as using sports equipment as a weapon.

4. Limitation on participation. If a student-athlete becomes unconscious or suffers a concussion, as diagnosed by a medical professional, during a practice or competition, the student-athlete may not:

A. Return to participate in that practice or competition; and

B. Participate in any extracurricular athletic activity until the student-athlete receives written authorization for such participation from a physician.

5. Records. The athletic director of a school shall maintain complete and accurate records of the school's compliance with this section.

6. Posting of policy. A school shall post at entrances the requirements of this section.

7. Penalty. The commissioner shall develop, by rulemaking, penalties for noncompliance with this section. Rules adopted pursuant to this subsection are routine technical rules as provided in Title 5, chapter 375, subchapter 2-A.

8. Waiver of liability or immunity. This section may not be construed to waive any liability or immunity of a school or its officers or employees or to create any liability for a course of legal action against a school or its officers or employees.

9. Immunity for volunteer. A person who volunteers to assist with an extracurricular athletic activity is immune from civil suit or damages arising out of an act or omission relating to the requirements of this section unless that act or omission was willfully negligent.

SUMMARY

This bill requires the Commissioner of Education and the Director of the Maine Center for Disease Control and Prevention in the Department of Health and Human Services to develop jointly a program

for the prevention, diagnosis and treatment of head and neck injuries for participants in extracurricular activities in all schools. A coach or other person in charge of students engaged in an athletic activity is required to complete the program, which includes training in recognizing head injuries.

A student who suffers a loss of consciousness or a concussion during a practice or competition is prohibited from participating further in an extracurricular athletic activity until the student receives authorization from a physician.