

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2043

H.P. 1427

House of Representatives, December 21, 2007

An Act To Protect Student Athletes

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator HOBBS of York and
Representatives: BERUBE of Lisbon, BRAUTIGAM of Falmouth, Speaker CUMMINGS of
Portland, FAIRCLOTH of Bangor, MAZUREK of Rockland, MILLS of Farmington, Senators:
DIAMOND of Cumberland, MITCHELL of Kennebec.

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

2 **Sec. 1. 20-A MRSA c. 227 is enacted to read:**

3 **CHAPTER 227**

4 **SAFETY AND CERTAIN EXTRACURRICULAR ATHLETIC**
5 **ACTIVITIES**

6 **§6921. Safety training required**

7 The department shall by rule develop and adopt an extracurricular athletic activity
8 safety training program for certain school employees, volunteers and students. For the
9 purposes of this chapter, "school" means any public school, school administrative district
10 or private school approved pursuant to section 2902. Rules adopted pursuant to this
11 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

12 **1. Available materials.** In developing the safety training program under this
13 section, the department may use materials available from any health-related organization
14 that provides emergency assistance or education or any appropriate entity that specializes
15 in emergency medicine and treatment.

16 **2. Required completion.** The safety training program developed under this section
17 must be satisfactorily completed by:

18 A. A coach or athletic director employed by a school for an extracurricular athletic
19 activity;

20 B. Except as provided by subsection 6, a physician who is employed by a school or
21 who volunteers to assist with an extracurricular athletic activity; and

22 C. Any other school employee or volunteer who directs an extracurricular athletic
23 activity.

24 **3. Program requirements for school personnel.** The safety training program for
25 persons listed in subsection 2 must include:

26 A. Training in:

27 (1) Emergency action planning;

28 (2) Cardiopulmonary resuscitation, unless the person being trained has already
29 been certified by another organization;

30 (3) Communicating effectively with E-9-1-1 emergency service operators and
31 other emergency personnel; and

32 (4) Recognizing symptoms of potentially catastrophic injuries, including head
33 and neck injuries, concussions, injuries related to second impact syndrome,
34 asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a
35 defibrillator; and

1 B. At least once each school year, a drill that incorporates the safety training under
2 this section and includes simulations of injuries described in this subsection.

3 4. Student requirements. A school shall provide to students participating in an
4 extracurricular athletic activity in that school training related to:

5 A. Recognizing the symptoms of injuries described in subsection 3, paragraph A,
6 subparagraph 4; and

7 B. The risks of using dietary supplements designed to enhance or marketed as
8 enhancing athletic performance.

9 5. Program and training administered. The safety training program under this
10 section may be conducted by a school or by an organization described in subsection 1.

11 6. Physician qualifications. A physician who is employed by a school or who
12 volunteers to assist with an extracurricular athletic activity is not required to complete the
13 safety training program under this section if the physician has attended a continuing
14 medical education course within the past 3 years that specifically addressed emergency
15 medicine as it relates to sports.

16 **§6922. Certain safety precautions required**

17 1. Responsibilities of staff. A coach or athletic director of a school extracurricular
18 athletic activity shall ensure during practice or competition that:

19 A. Each participating student is adequately hydrated;

20 B. Any asthma medication prescribed for a participating student is readily available
21 to the student;

22 C. Emergency lanes providing access to the practice or competition area are open
23 and clear; and

24 D. Heatstroke prevention materials are readily available.

25 2. Injured students. If a student participating in an extracurricular athletic activity,
26 including a practice or competition, becomes unconscious during the activity, the student
27 may not:

28 A. Return to the practice or competition during which the student became
29 unconscious; or

30 B. Participate in any extracurricular athletic activity until the student receives written
31 authorization for the participation from a physician.

32 **§6923. Compliance enforcement**

33 A school shall make available to the public proof of compliance for each person
34 enrolled in, employed by or volunteering for the school who is required to receive the
35 safety training described by section 6921. The school shall maintain complete and
36 accurate records of the school's compliance with section 6921.

1 **§6924. Contact information**

2 The department shall maintain a telephone number and an e-mail address to allow a
3 person to report a violation of this chapter. Each school that offers an extracurricular
4 athletic activity shall prominently display at the administrative offices of the school the
5 telephone number and e-mail address maintained under this section.

6 **§6925. Notice required**

7 A school that offers an extracurricular athletic activity shall provide to each student
8 participating in an extracurricular athletic activity and to the student's parent or guardian a
9 copy of the text of sections 6922 to 6924. A document required to be provided under
10 this section may be provided in an electronic format unless otherwise requested by a
11 student, parent or guardian.

12 **§6926. Immunity from liability**

13 This chapter does not waive any liability or immunity of a school or its officers or
14 employees. This chapter does not create a liability for or a cause of action against a
15 school or its officers or employees.

16 **§6927. Limitation on liability**

17 A person who volunteers to assist with an extracurricular athletic activity at a school
18 is not liable for civil damages arising out of an act or omission relating to the
19 requirements under section 6922 unless the act or omission is willfully or wantonly
20 negligent.

21 **§6928. Applicability**

22 This chapter applies beginning with the 2009-2010 school year.

23 **SUMMARY**

24 This bill is modeled after Texas legislation. It requires the development and adoption
25 of an extracurricular activity safety training course by the Department of Education to be
26 used in all public and certain private schools in Maine. It requires certain school
27 personnel to take the safety training course, which includes training in the recognition of
28 potentially catastrophic injuries, emergency response and cardiopulmonary resuscitation,
29 and requires the school to provide to students participating in extracurricular athletic
30 activities training related to recognizing the symptoms of certain injuries and the risks of
31 using dietary supplements to enhance athletic performance.