

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1300

H.P. 903

House of Representatives, March 31, 2009

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

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DOSTIE of Sabattus.  
Cosponsored by Senator HOBBS of York and  
Representatives: ADAMS of Portland, BICKFORD of Auburn, BLANCHARD of Old Town,  
CLEARY of Houlton, FLAHERTY of Scarborough, MAZUREK of Rockland, THIBODEAU  
of Winterport, Senator: NUTTING of Androscoggin.

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

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

3 **§6554. Head injury prevention and detection for participants in extracurricular**  
4 **athletic activities**

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

7 **A. "Coach"** includes a head coach, assistant coach, athletic director, director,  
8 manager, parent volunteer or other person responsible for the supervision of students  
9 engaged in an extracurricular athletic activity.

10 **B. "Program"** means the program developed pursuant to subsection 2.

11 **C. "School"** means a public school or a private school approved for tuition purposes.

12 **D. "Student-athlete"** means a student participating in an extracurricular athletic  
13 activity.

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

19 **A. At a minimum:**

20 **(1) Training in recognizing the symptoms of potentially catastrophic injuries,**  
21 **including head and neck injuries, concussions and second-impact syndrome;**

22 **(2) Information on the biology of concussions; and**

23 **(3) The short-term and long-term consequences of concussions;**

24 **B. The following persons must satisfactorily complete the program:**

25 **(1) A coach; and**

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

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

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

35 **3. Unreasonably dangerous activity.** A coach may not encourage or permit a  
36 **student-athlete to engage in an unreasonably dangerous activity or technique that**

1 unnecessarily endangers the health of the student-athlete, such as using sports equipment  
2 as a weapon.

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

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

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

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

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

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

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

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

## 23 SUMMARY

24 This bill requires the Commissioner of Education and the Director of the Maine  
25 Center for Disease Control and Prevention in the Department of Health and Human  
26 Services to develop jointly a program for the prevention, diagnosis and treatment of head  
27 and neck injuries for participants in extracurricular activities in all schools. A coach or  
28 other person in charge of students engaged in an athletic activity is required to complete  
29 the program, which includes training in recognizing head injuries.

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