

SENATE No. 796

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relating to safety regulations for school athletic programs..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended by adding at the conclusion thereof
2 the following new section.

3 Section 219, Head Injury Safety Regulations for School Athletic Programs

4 This Section shall apply to all public schools within the Commonwealth and to any other
5 school in the Commonwealth whose athletic programs are subject to Massachusetts
6 Interscholastic Athletic Association rules.

7 The Commissioner shall direct the Division of Violence and Injury Prevention to develop
8 an interscholastic athletic Head Injury Safety Training program. The Department may use
9 materials available from the Centers for Disease Control and Prevention, the American Red
10 Cross, or any other appropriate entity.

11 The following persons must satisfactorily complete this safety training program:
12 a coach, trainer or parent volunteer for an extracurricular athletic activity;

13 a physician who is employed by a school or school district, or who volunteers to assist
14 with an extracurricular athletic activity; and

15 A director responsible for a school marching band

16 The safety training shall include, but not be limited to, the following: current training in
17 recognizing the symptoms of potentially catastrophic injuries, including head and neck injuries,
18 concussions, and injuries related to second impact syndrome.

19 A school district shall provide training to students participating in extracurricular athletic
20 activity related to recognizing the symptoms of injuries described in section C above, as well as
21 information regarding the biology of concussions and the short-term and long-term consequences
22 of concussions.

23 The Department of Public Health shall develop forms entitled “preparticipation physical
24 evaluation—medical history” for completion by each student participating in an extracurricular
25 athletic activity. These forms must be signed by both the student and the student’s legal parent or
26 guardian.

27 A coach, trainer or volunteer for an extracurricular athletic activity shall not encourage or
28 permit a student participating in the activity to engage in any unreasonably dangerous athletic
29 technique that unnecessarily endangers the health of a student, including using a helmet or any
30 other sports equipment as a weapon.

31 If a student participating in an extracurricular athletic activity, during a practice or
32 competition, becomes unconscious during the activity, the student may not:

33 return to the practice or competition during which the student became unconscious; or

34 Participate in any extracurricular athletic activity until the student receives written
35 authorization for such participation from a physician.

36 If a student participating in an extracurricular athletic activity, during a practice or
37 competition, suffers a concussion as diagnosed by a medical professional, the student may not:

38 Participate in any extracurricular athletic activity until the student receives written
39 authorization for such participation from a physician

40 The superintendent of the school district or the director of a school subject to this section
41 shall maintain complete and accurate records of the district's or school's compliance with the
42 requirements of this section.

43 A school that is determined by the school's superintendent or director to be out of
44 compliance with this section shall be subject to the range of penalties as determined by the
45 Massachusetts Interscholastic Athletic Association.

46 The requirements put forth in this section shall be posted at the entrance to all schools
47 that offer extracurricular athletic activity, and shall be incorporated into the Massachusetts
48 Interscholastic Athletic Association's constitution and contest rules.

49 This section does not waive any liability or immunity of a school district or its officers or
50 employees. This section does not create any liability for a course of legal action against a school
51 district, or its officers or employees.

52 A person who volunteers to assist with an extracurricular athletic activity is not liable for
53 civil damages arising out of an act or omission relating to the requirements of this section, unless
54 the act or omission is willfully or wantonly negligent.