

# **HOUSE . . . . . No. 4563**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 18, 2014.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to concussion prevention (House, No. 3806), reports recommending that the same be amended by substitution of the accompanying bill (House, No. 4563), and that when so amended the same will be correctly drawn.

For the committee,

THEODORE C. SPELIOTIS.

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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An Act relative to concussion prevention.

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

1           SECTION 1. Section 222 of chapter 111 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting after the word “schools”, in line 3, the following  
3 words:- , charter schools.

4           SECTION 2. Said chapter 111, as so appearing, is hereby further amended by inserting,  
5 after section 222, the following section:-

6           Section 222A. All private elementary and secondary schools whose primary campus is  
7 located within the commonwealth shall develop an interscholastic athletic head injury safety  
8 program approved by the department. Participation in the program shall be required annually of:  
9 (i) coaches, trainers and parent volunteers for any extracurricular athletic activity; (ii) physicians  
10 and nurses who are employed by a school or who volunteer to assist with an extracurricular  
11 athletic activity; (iii) school athletic directors; and (iv) directors responsible for a school  
12 marching band.

13           In developing the program, the school may use any of the materials readily available  
14 from the Centers for Disease Control and Prevention. The program shall include, but not be  
15 limited to: (1) current training in recognizing the symptoms of potentially catastrophic head  
16 injuries, concussions and injuries related to second impact syndrome; and (2) providing students  
17 that participate in any extracurricular athletic activity, including membership in a marching band,  
18 the following information annually: the medical protocol for post-concussion participation or  
19 participation in an extracurricular athletic activity; written information related to the recognition  
20 of symptoms of head injuries, the biology and the short-term and long-term consequences of a  
21 concussion and such written information shall be provided to the parent or legal guardian of the  
22 student.

23           The school shall develop forms on which students shall be instructed to provide  
24 information relative to any athletic head injury history at the start of each academic year. These  
25 forms shall require the signature of both the student and the parent or legal guardian thereof.  
26 Once complete, the forms shall be forwarded to all coaches prior to allowing any student to  
27 participate in an extracurricular athletic activity so as to provide coaches with up-to-date  
28 information relative to an athlete's head injury history and to enable coaches to identify students  
29 who are at greater risk for repeated head injuries.

30           If a student participating in an extracurricular athletic activity becomes unconscious  
31 during a practice or competition, the student shall not return to the practice or competition during  
32 which the student became unconscious or participate in any extracurricular athletic activity until  
33 the student provides written authorization for such participation, from a licensed physician,  
34 licensed neuropsychologist, certified athletic trainer or other appropriately trained or licensed  
35 health care professional as determined by the department, to the school's athletic director.

36           If a student suffers a concussion as diagnosed by an appropriately trained or licensed  
37 health care professional, or is suspected to have suffered a concussion while participating in an  
38 extracurricular athletic activity, the student shall not return to the practice or competition during  
39 which the student suffered, or is suspected to have suffered, a concussion and shall not  
40 participate in any extracurricular athletic activity until the student provides written authorization  
41 for such participation, from a licensed physician, licensed neuropsychologist, certified athletic  
42 trainer or other appropriately trained or licensed health care professional as determined by the  
43 department, to the school's athletic director.

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

48           The athletic director or a designee approved by the department of a school shall maintain  
49 complete and accurate records of the school's compliance with the requirements of this section.  
50 A school that fails to comply with this section, as determined by the department, shall be subject  
51 to penalties as determined by the department.

52           Nothing in this section shall be construed to waive liability or immunity of a private  
53 elementary or secondary school or its officers or employees. This section shall not create any  
54 liability for a course of legal action against a private elementary or secondary school , its officers  
55 or employees.

56           A person who volunteers to assist with an extracurricular athletic activity shall not be  
57 liable for civil damages arising out of any act or omission relating to the requirements of this  
58 section, unless such person is willfully or wantonly negligent in his or her act or omission.

59           The division of violence and injury prevention shall adopt regulations to carry out this  
60 section.

61           SECTION 3: This act shall take effect on August 1, 2016.