HOUSE . . . . . No. 4563

The Commonwealth of Massachusetts

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.

HOUSE . . . . . No. 4563

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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:

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

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

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

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

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

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

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

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

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

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

A person who volunteers to assist with an extracurricular athletic activity shall not be liable for civil damages arising out of any act or omission relating to the requirements of this 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.