

SENATE, No. 2469

[Senate, June 3, 2010 – New draft (Senators Baddour) the Senate Bill relative to safety regulations for school athletics programs, S2267.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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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 **SECTION 1.** Chapter 111 of the General Laws is hereby amended by adding the
2 following section:--

3 Section 222. (a) The department shall direct the division of violence and injury
4 prevention to develop an interscholastic athletic head injury safety training program in which all
5 public schools and any school subject to the Massachusetts Interscholastic Athletic Association
6 rules shall participate. Participation in the program shall be required annually of coaches,
7 trainers and parent volunteers for any extracurricular athletic activity; physicians and nurses who
8 are employed by a school or school district or who volunteer to assist with an extracurricular
9 athletic activity; school athletic directors; directors responsible for a school marching band; and a
10 parent or legal guardian of a child who participates in an extracurricular athletic activity.

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

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

28 (c) If a student participating in an extracurricular athletic activity becomes unconscious
29 during a practice or competition the student shall not return to the practice or competition during
30 which the student became unconscious or participate in any extracurricular athletic activity until
31 the student provides written authorization for such participation, from a licensed physician,
32 licensed neuropsychologist, certified athletic trainer or other appropriately trained or licensed

33 health care professional as determined by the department of public health, to the school's athletic
34 director.

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

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

47 (e) The superintendent of the school district or the director of a school shall maintain
48 complete and accurate records of the district's or school's compliance with the requirements of
49 this section. A school that fails to comply with this section, as determined by the department,
50 shall be subject to penalties as determined by the department.

51 (f) Nothing in this section shall be construed to waive liability or immunity of a school
52 district or its officers or employees. This section shall not create any liability for a course of legal
53 action against a school district its officers or employees.

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

57 (h) The division shall adopt regulations to carry out this section.

58 **SECTION 2.** The regulations required by section 222 of chapter 111 of the General
59 Laws shall be adopted by the division of violence and injury prevention not later than August 15,
60 2010.

61 **SECTION 3.** Penalties for noncompliance with the program or regulations promulgated
62 pursuant to said section 222 of said chapter 111 shall not be imposed before January 1, 2011.