

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Protect Student Athletes**

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

**Sec. 1. 20-A MRSA c. 227** is enacted to read:

### **CHAPTER 227**

#### **safety AND CERTAIN EXTRACURRICULAR Athletic ACTIVITIES**

##### **§ 6921. Safety training required**

The department shall by rule develop and adopt an extracurricular athletic activity safety training program for certain school employees, volunteers and students. For the purposes of this chapter, "school" means any public school, school administrative district or private school approved pursuant to section 2902. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**1. Available materials.** In developing the safety training program under this section, the department may use materials available from any health-related organization that provides emergency assistance or education or any appropriate entity that specializes in emergency medicine and treatment.

**2. Required completion.** The safety training program developed under this section must be satisfactorily completed by:

- A. A coach or athletic director employed by a school for an extracurricular athletic activity;
- B. Except as provided by subsection 6, a physician who is employed by a school or who volunteers to assist with an extracurricular athletic activity; and
- C. Any other school employee or volunteer who directs an extracurricular athletic activity.

**3. Program requirements for school personnel.** The safety training program for persons listed in subsection 2 must include:

A. Training in:

(1) Emergency action planning;

(2) Cardiopulmonary resuscitation, unless the person being trained has already been certified by another organization;

(3) Communicating effectively with E-9-1-1 emergency service operators and other emergency personnel; and

(4) Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

B. At least once each school year, a drill that incorporates the safety training under this section and includes simulations of injuries described in this subsection.

**4. Student requirements.** A school shall provide to students participating in an extracurricular athletic activity in that school training related to:

A. Recognizing the symptoms of injuries described in subsection 3, paragraph A, subparagraph 4; and

B. The risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

**5. Program and training administered.** The safety training program under this section may be conducted by a school or by an organization described in subsection 1.

**6. Physician qualifications.** A physician who is employed by a school or who volunteers to assist with an extracurricular athletic activity is not required to complete the safety training program under this section if the physician has attended a continuing medical education course within the past 3 years that specifically addressed emergency medicine as it relates to sports.

## **§ 6922. Certain safety precautions required**

**1. Responsibilities of staff.** A coach or athletic director of a school extracurricular athletic activity shall ensure during practice or competition that:

A. Each participating student is adequately hydrated;

B. Any asthma medication prescribed for a participating student is readily available to the student;

C. Emergency lanes providing access to the practice or competition area are open and clear; and

D. Heatstroke prevention materials are readily available.

**2. Injured students.** If a student participating in an extracurricular athletic activity, including a practice or competition, becomes unconscious during the activity, the student may not:

A. Return to the practice or competition during which the student became unconscious; or

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

### **§ 6923. Compliance enforcement**

A school shall make available to the public proof of compliance for each person enrolled in, employed by or volunteering for the school who is required to receive the safety training described by section 6921. The school shall maintain complete and accurate records of the school's compliance with section 6921.

### **§ 6924. Contact information**

The department shall maintain a telephone number and an e-mail address to allow a person to report a violation of this chapter. Each school that offers an extracurricular athletic activity shall prominently display at the administrative offices of the school the telephone number and e-mail address maintained under this section.

### **§ 6925. Notice required**

A school that offers an extracurricular athletic activity shall provide to each student participating in an extracurricular athletic activity and to the student's parent or guardian a copy of the text of sections 6922 to 6924. A document required to be provided under this section may be provided in an electronic format unless otherwise requested by a student, parent or guardian.

### **§ 6926. Immunity from liability**

This chapter does not waive any liability or immunity of a school or its officers or employees. This chapter does not create a liability for or a cause of action against a school or its officers or employees.

### **§ 6927. Limitation on liability**

A person who volunteers to assist with an extracurricular athletic activity at a school is not liable for civil damages arising out of an act or omission relating to the requirements under section 6922 unless the act or omission is willfully or wantonly negligent.

### **§ 6928. Applicability**

This chapter applies beginning with the 2009-2010 school year.

## **SUMMARY**

This bill is modeled after Texas legislation. It requires the development and adoption of an extracurricular activity safety training course by the Department of Education to be used in all public and certain private schools in Maine. It requires certain school personnel to take the safety training course, which includes training in the recognition of potentially catastrophic injuries, emergency response and cardiopulmonary resuscitation, and requires the school to provide to students participating in extracurricular athletic activities training related to recognizing the symptoms of certain injuries and the risks of using dietary supplements to enhance athletic performance.