

# HOUSE . . . . . No. 4819

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 2, 2022.

The committee on Public Health to whom was referred the petition (accompanied by bill, Senate, No. 1495) of Michael O. Moore, Brian W. Murray, Sean Garballey, Michael D. Brady and others for legislation relative to high school sports injury and health data, the petition (accompanied by bill, Senate, No. 1512) of Marc R. Pacheco, Angelo L. D'Emilia and Michael D. Brady for legislation relative to baseline concussion testing for student athletes, the petition (accompanied by bill, House, No. 2265) of Angelo L. D'Emilia and others relative to baseline concussion testing for student athletes, and the petition (accompanied by bill, House, No. 2280) of Tricia Farley-Bouvier and others for an investigation by a special commission to study concussions that occur as a result of varsity sports in public and private high schools, reports recommending that the accompanying bill (House, No. 4819) ought to pass.

For the committee,

MARJORIE C. DECKER.

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The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act creating a commission to study concussions that occur as a result of varsity sports in public and private high schools.

*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. There is hereby established a special commission to study and make  
2 recommendations on sports-related concussions in public and private middle and high schools.  
3 The commission shall consist of 9 members, one of whom shall be the commissioner of public  
4 health or designee, who shall serve as chair, 1 of whom shall be a representative of the Brain  
5 Injury Association of Massachusetts; 1 of whom shall be a representative of the Massachusetts  
6 Interscholastic Athletic Association; 1 of whom shall be a representative of the Athletic Trainers  
7 of Massachusetts; and 5 of whom shall be appointed by the Governor, 1 of whom shall be a  
8 physician with expertise in the management of sports-related concussions; 1 of whom shall be a  
9 researcher specializing in the study of the long-term consequences of brain trauma; 1 of whom is  
10 a professional whose primary responsibility is that of athletic director at a Massachusetts high  
11 school; and 1 of whom is a representative of private school athletic programs in Massachusetts.  
12 In appointing members of the commission, consideration shall be given to race, gender and  
13 geographic diversity.

14           The commission shall: (i) analyze current data on the prevalence and causes of sports-  
15 related concussions; (ii) review the rules associated with each sport and safety policies currently  
16 in effect with respect to each such sport; (iii) analyze the data collected through system  
17 established in Section 2; (iv) study the cost and effectiveness of baseline concussion testing of  
18 athletes; and (v) review educational standards and materials on concussions and long-term  
19 consequences of brain trauma associated with athletic injuries.

20           The commission shall make recommendations on topics related to sports-related  
21 concussions including, but not limited to: (i) methods of reducing and preventing concussions;  
22 (ii) procedures to be employed by schools to identify and respond to occurrences of concussions;  
23 (iii) the cost and effectiveness of requiring baseline concussion testing for students participating  
24 in middle and high school athletics; and (iv) the potential benefits and feasibility of expanding  
25 concussion screenings from the ImPACT testing system to include new methods of detecting  
26 concussions, including, but not limited to, the measurement of brain glucose metabolism.

27           The commission shall submit a report of its findings and recommendations, along with  
28 any legislation the commission deems necessary to affect its recommendations, to the joint  
29 committee on public health no later than two years after the effective date of this act

30           SECTION 2.

31           (A) The Department of Public Health (DPH), in consultation with the special commission  
32 to study concussions established in Section 1, Department of Elementary and Secondary  
33 Education (DESE) and the Massachusetts Interscholastic Athletic Association (MIAA), shall  
34 develop, no later than one year after the effective date of this act, a system to collect and analyze  
35 middle and high school sports injury and health related data. The system shall:

36 (i) Be developed in consultation with a technology partner with a successful work history  
37 of developing such platforms

38 (ii) Have a standardized system by which schools can report required data

39 (a) At Low or no cost to the school

40 (b) At Minimum, or, where possible a net reduction in, administration burden on schools  
41 and their staff

42 (iii) Include injury and health data, such as pre-participation forms and information and  
43 injury data including, but not limited to, concussions and heat acclimatization.

44 (iv) Comply with all relevant federal and state laws, including the federal Family  
45 Education Rights and Privacy Act (FERPA) and federal Health Insurance Portability and  
46 Accountability Act (HIPAA)

47 (B) The Department of Public Health (DPH) shall from the data collected under section  
48 (a), prepare and represent an annual report on high school sports injuries and prevention.

49 (i) The report shall be presented to the:

50 (a) Governor

51 (b) Department of Elementary and Secondary Education (DESE)

52 (c) The Joint Committee on Education of the Massachusetts General Court,

53 (d) The Joint Committee on Public Health of the Massachusetts General Court

54 (e) The special commission to study concussions established in Section 1, and

- 55 (f) State high school athletic associations
- 56 (g) State middle school athletic associations
- 57 (ii) The report shall:
  - 58 (a) Summarize the data they have collected, particularly over the last year
  - 59 (b) Make recommendations, based on the data, to improve the safety of middle and high
  - 60 school sports participants