



Legislation Text

File #: 19-0337, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill by amendment after printing for third reading.

Enrolled

**City of Baltimore
Ordinance
Council Bill 19-0337**

Introduced by: Councilmember Scott, President Young, Councilmembers Henry, Dorsey, Costello, Bullock, Cohen, Stokes, Sneed, Pinkett, Schleifer, Clarke, Reisinger, Middleton, Burnett, McCray

Introduced and read first time: February 11, 2019

Assigned to: Judiciary and Legislative Investigations Committee

Committee

Report: Favorable with amendments

Council action: Adopted

Read second time: September 23, 2019

An Ordinance Concerning

Jordan McNair Youth Athletic Protection Act

For the purpose of establishing certain protections for youth athletes using Baltimore City Department of Recreations and Parks facilities; requiring that youth athletic coaches complete certain training; requiring that youth athletes be removed from athletic play if they are suspected to have sustained certain medical conditions; requiring that the Department of Recreation and Parks make an automated external defibrillator available to certain youth sports programs defining certain terms; establishing certain penalties; providing for a special effective date; and generally relating to youth athletic protection.

By adding

Article 7 - Natural Resources

Section(s) 54-1 to 54-8, to be under the new subtitle,

“Subtitle 54. Youth Athletic Protection”

Baltimore City Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Subtitle 54. Youth Athletic Protection

§ 54-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Abuse.*

“Abuse” has the meaning stated in § 5-701(b) Title 5, Subtitle 7 of the State Family Law Article {“Definitions: Abuse”}.

(c) *Automated external defibrillator.*

“Automated external defibrillator” means a medical device, approved by the United States Food and Drug Administration that:

- (1) is capable of recognizing the presence or absence in an individual of ventricular fibrillation and rapid ventricular tachycardia;
- (2) is capable of determining, without intervention, whether defibrillation should be performed on an individual;
- (3) on determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual’s heart; and
- (4) delivers an appropriate electrical impulse to a patient’s heart to perform defibrillation.

(d) *Coach.*

“Coach” means an individual over the age of 18 who, whether paid or unpaid:

- (1) is responsible for leading or assisting in leading a youth sports program; and
- (2) has routine and consistent contact throughout an athletic season with youth athletes participating in a youth sports program.

(e) *Concussion.*

“Concussion” means a traumatic injury to the brain causing an immediate, short-lived change in mental status or an alteration of normal consciousness resulting from:

- (1) a fall;
- (2) a violent blow to the head or body; or
- (3) the shaking or spinning of the head or body.

(f) *Department.*

“Department” means the Baltimore City Department of Recreation and Parks.

(g) *Facility.*

“Facility” means any outdoor or indoor athletic space under the management of the Department.

(h) *Heat Exhaustion.*

“Heat exhaustion” means a reaction to excessive heat marked by prostration, weakness, and collapse resulting from dehydration.

(i) *Heat stroke.*

“Heat stroke” means a severe illness caused by exposure to excessively high temperatures and characterized by:

- (1) severe headache;
- (2) high fever with a dry, hot skin;
- (3) tachycardia; and
- (4) in serious cases, collapse, coma, or death.

(j) *Neglect.*

“Neglect” has the meaning stated in ~~§ 5-701(s)~~ Title 5, Subtitle 7 of the State Family Law Article {“Definitions: Neglect”}.

(k) *Person.*

“Person” means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or
- (3) a partnership, firm, association, corporation, or other entity of any kind.

(l) *Sudden cardiac arrest.*

“Sudden cardiac arrest” means a condition in which the heart suddenly and unexpectedly stops beating.

(m) *Youth athlete.*

“Youth athlete” means any individual under the age of 18 who participates in a youth sports program in a non-supervisory role.

(n) *Youth sports program.*

“Youth sports program” means a program or event, including instruction, practice, or competition, organized for youth athletes under the age of 18 years:

- (1) conducted by the Department; or
- (2) conducted by a recreational athletic organization or any other person required to obtain a permit to use a Department facility.

§ 54-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“May not” and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

§ 54-3. Rules and regulations.

(a) *In general.*

The Department must adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

§ 54-4. Training required.

(a) *In general.*

Before acting as a coach for a youth sports program, an individual must have successfully completed within the last 24 months training approved in advance by the Department in:

- (1) concussion risk and management;
- (2) heat exhaustion risk and management;
- (3) heat stroke risk and management;
- (4) operation of an automated external defibrillator;
- (5) sudden cardiac arrest risk and management; and
- (6) identification and reporting of abuse and neglect.

(b) *Permits for facility use.*

The Department may not issue a permit to any youth sports program for the use of any Department facility unless the applicant has submitted adequate documentation that all coaches associated with the program have complied with this section.

(c) *Department to maintain a list.*

In consultation and collaboration with the Baltimore City Department of Health, the Department must maintain a list of training courses or programs that would satisfy the requirements of this section.

(d) *Department training program.*

The Department may collaborate with the Baltimore City Department of Health to develop its own training program to satisfy the requirements of this section.

(e) *Other training programs.*

For the purposes of conducting tournaments or other similar sporting events, the Department must accept training substantially equivalent to the training required by this section from any regional, local, state, or national youth sports organization using a Department facility under a permit issued to another youth sports program.

§ 54-5. Removal from play.

(a) *Disqualifying medical condition defined.*

For the purposes of this section, “disqualifying medical condition” means:

- (1) a concussion;
- (2) heat exhaustion;
- (3) heat stroke; or
- (4) sudden cardiac arrest.

(b) *In general.*

A youth athlete who is suspected of sustaining or undergoing a disqualifying medical condition must be immediately removed from physical participation in any athletic activity by a coach or a member of the coach’s staff.

(c) *Return to physical participation.*

A youth athlete who has been removed from an athletic activity may not return to physical participation until the youth athlete has been evaluated by a licensed or certified health-care provider and receives written clearance to return to physical participation from that provider.

§ 54-6. Automated external defibrillators.

(a) *In general.*

~~A youth sports program must make available an automated external defibrillator during any athletic event conducted by the program, including instruction, practice, or competition.~~

~~(b) *Certification.*~~

~~The Department may not issue a permit to a youth sports program for the use of a Department facility unless, for the duration of the term of the permit, the applicant certifies that the youth sports program will comply with subsection (a) of this section.~~

~~The Department must make an automated external defibrillator available to any youth sports program holding a permit for use of any Department facility.~~

~~(e) (b) *No requirement to assist.*~~

~~Nothing in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.~~

§ 54-7. ~~Child abuse and neglect reporting.~~

~~(a) *In general.*~~

~~Notwithstanding any other provision of law, a coach who has reason to believe that a youth athlete has been subjected to abuse or neglect must notify the Baltimore City Department of Social Services or the Baltimore City Police Department or both.~~

~~(b) *Manner of reporting.*~~

~~(1) The report made under subsection (a) of this section must be made as follows:~~

- ~~(i) an oral report the Baltimore City Department of Social Services or the Baltimore City Police Department or both, by telephone or direct communication, as soon as possible; and~~
- ~~(ii) a written report the Baltimore City Department of Social Services or the Baltimore City Police Department or both, with a copy to the Baltimore City State's Attorney, not later than 48 hours after the contact or attention that caused the coach to believe that the youth athlete had been subjected to abuse or neglect.~~

~~(2) An agency to which a report of suspected abuse or neglect is made under paragraph (1) of this subsection must immediately notify the other agency.~~

~~(d) *Failure to report.*~~

~~(1) A person may not knowingly and willfully fail to report abuse or neglect as required by subsection (b) of this section.~~

~~(2) A person who violates subsection (d)(1) of this section is guilty of a misdemeanor and, on conviction, is subject to fine of not more than \$1,000 or to imprisonment for not more than 12 months or to both fine and imprisonment for each offense.~~

§ 54-7. *{Reserved}*

§ 54-8. Civil liability of the Department and youth athletic sports programs.

Nothing in this subtitle may be construed to create, establish, expand, reduce, contract, or eliminate any civil liability on the part of the Department, its employees, any youth ~~athletic~~ athletic sports programs, or any coaches.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect ~~on the 30th day~~ 1 year after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

City Council President, Baltimore

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City