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Sub. H. B. No. 16

Representatives O'Brien, Hottinger

Cosponsors: Representatives Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Beck, Boose, Boyce, Brown, Budish, Burkley, Carney, Celebrezze, Cera, Curtin, DeVitis, Dovilla, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Huffman, Letson, Lynch, Mallory, McClain, Milkovich, Patterson, Rogers, Rosenberger, Ruhl, Sears, Slaby, Smith, Sprague, Stinziano, Strahorn, Szollosi, Winburn Speaker Batchelder

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A B I L L

To amend sections 3313.539, 3319.303, and 3707.48 of 1
the Revised Code to correct a cross reference with 2
regard to concussions and head injuries in 3
athletic activities organized by youth sports 4
organizations, to clarify certain references to 5
organizations that regulate interscholastic 6
athletics, and to declare an emergency. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3313.539, 3319.303, and 3707.48 of 8
the Revised Code be amended to read as follows: 9

Sec. 3313.539. (A) As used in this section, "physician" means 10
a person authorized under Chapter 4731. of the Revised Code to 11
practice medicine and surgery or osteopathic medicine and surgery. 12

(B) No school district board of education or governing 13
authority of a chartered or nonchartered nonpublic school shall 14

permit a student to practice for or compete in interscholastic 15
athletics until the student has submitted, to a school official 16
designated by the board or governing authority, a form signed by 17
the parent, guardian, or other person having care or charge of the 18
student stating that the student and the parent, guardian, or 19
other person having care or charge of the student have received 20
the concussion and head injury information sheet required by 21
section 3707.52 of the Revised Code. A completed form shall be 22
submitted each school year, as defined in section 3313.62 of the 23
Revised Code, for each sport or other category of interscholastic 24
athletics for or in which the student practices or competes. 25

(C)(1) No school district board of education or governing 26
authority of a chartered or nonchartered nonpublic school shall 27
permit an individual to coach interscholastic athletics unless the 28
individual holds a pupil-activity program permit issued under 29
section 3319.303 of the Revised Code for coaching interscholastic 30
athletics. 31

(2) No school district board of education or governing 32
authority of a chartered or nonchartered nonpublic school shall 33
permit an individual to referee interscholastic athletics unless 34
the individual holds a pupil-activity program permit issued under 35
section 3319.303 of the Revised Code for coaching interscholastic 36
athletics or presents evidence that the individual has 37
successfully completed, within the previous three years, a 38
training program in recognizing the symptoms of concussions and 39
head injuries to which the department of health has provided a 40
link on its internet web site under section 3707.52 of the Revised 41
Code or a training program authorized and required by an 42
organization that regulates interscholastic ~~conferences or~~ 43
athletic competition and conducts interscholastic athletic events. 44

(D) If a student practicing for or competing in an 45
interscholastic athletic event exhibits signs, symptoms, or 46

behaviors consistent with having sustained a concussion or head 47
injury while participating in the practice or competition, the 48
student shall be removed from the practice or competition by 49
either of the following: 50

(1) The individual who is serving as the student's coach 51
during that practice or competition; 52

(2) An individual who is serving as a referee during that 53
practice or competition. 54

(E)(1) If a student is removed from practice or competition 55
under division (D) of this section, the coach or referee who 56
removed the student shall not allow the student, on the same day 57
the student is removed, to return to that practice or competition 58
or to participate in any other practice or competition for which 59
the coach or referee is responsible. Thereafter, the coach or 60
referee shall not allow the student to return to that practice or 61
competition or to participate in any other practice or competition 62
for which the coach or referee is responsible until both of the 63
following conditions are satisfied: 64

(a) The student's condition is assessed by either of the 65
following: 66

(i) A physician; 67

(ii) Any other licensed health care provider the school 68
district board of education or governing authority of the 69
chartered or nonchartered nonpublic school, pursuant to division 70
(E)(2) of this section, authorizes to assess a student who has 71
been removed from practice or competition under division (D) of 72
this section. 73

(b) The student receives written clearance that it is safe 74
for the student to return to practice or competition from a 75
physician or from another licensed health care provider authorized 76
pursuant to division (E)(2) of this section to grant the 77

clearance.	78
(2) A school district board of education or governing authority of a chartered or nonchartered nonpublic school may authorize a licensed health care provider who is not a physician to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in this state:	79 80 81 82 83 84 85
(a) In consultation with a physician;	86
(b) Pursuant to the referral of a physician;	87
(c) In collaboration with a physician;	88
(d) Under the supervision of a physician.	89
(3) A physician or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.	90 91 92
(F) A school district board of education or governing authority of a chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or athletic competition and conducts interscholastic athletic events shall be considered to be in compliance with divisions (B), (D), and (E) of this section, as long as the requirements of those rules are substantially similar to the requirements of divisions (B), (D), and (E) of this section.	93 94 95 96 97 98 99 100 101
(G)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton	102 103 104 105 106 107

misconduct. 108

This section does not eliminate, limit, or reduce any other 109
immunity or defense that a school district, member of a school 110
district board of education, or school district employee or 111
volunteer, including a coach or referee, may be entitled to under 112
Chapter 2744. or any other provision of the Revised Code or under 113
the common law of this state. 114

(2) A chartered or nonchartered nonpublic school or any 115
officer, director, employee, or volunteer of the school, including 116
a coach or referee, is not liable in damages in a civil action for 117
injury, death, or loss to person or property allegedly arising 118
from providing services or performing duties under this section, 119
unless the act or omission constitutes willful or wanton 120
misconduct. 121

Sec. 3319.303. (A) The state board of education shall adopt 122
rules establishing standards and requirements for obtaining a 123
pupil-activity program permit for any individual who does not hold 124
a valid educator license, certificate, or permit issued by the 125
state board under section 3319.22, 3319.26, or 3319.27 of the 126
Revised Code. The permit issued under this section shall be valid 127
for coaching, supervising, or directing a pupil-activity program 128
under section 3313.53 of the Revised Code. Subject to the 129
provisions of section 3319.31 of the Revised Code, a permit issued 130
under this section shall be valid for three years and shall be 131
renewable. 132

(B) The state board shall adopt rules applicable to 133
individuals who hold valid educator licenses, certificates, or 134
permits issued by the state board under section 3319.22, 3319.26, 135
or 3319.27 of the Revised Code setting forth standards to assure 136
any such individual's competence to direct, supervise, or coach a 137
pupil-activity program. The rules adopted under this division 138

shall not be more stringent than the standards set forth in rules 139
applicable to individuals who do not hold such licenses, 140
certificates, or permits adopted under division (A) of this 141
section. 142

(C) As a condition to issuing or renewing a pupil-activity 143
program permit to coach interscholastic athletics: 144

(1) The state board shall require each individual applying 145
for a first permit on or after ~~the effective date of this~~ 146
~~amendment~~ April 26, 2013, to successfully complete a training 147
program that is specifically focused on brain trauma and brain 148
injury management. 149

(2) The state board shall require each individual applying 150
for a permit renewal on or after that date to present evidence 151
that the individual has successfully completed, within the 152
previous three years, a training program in recognizing the 153
symptoms of concussions and head injuries to which the department 154
of health has provided a link on its internet web site under 155
section 3707.52 of the Revised Code or a training program 156
authorized and required by an organization that regulates 157
interscholastic ~~conferences or~~ athletic competition and conducts 158
interscholastic athletic events. 159

Sec. 3707.48. No person shall violate sections 3707.01 to 160
~~3707.53, inclusive, 3707.50 or section 3707.53~~ of the Revised 161
Code, or any order or regulation of the board of health of a city 162
or general health district made in pursuance thereof, obstruct or 163
interfere with the execution of such order, or willfully or 164
illegally omit to obey such order. 165

Section 2. That existing sections 3313.539, 3319.303, and 166
3707.48 of the Revised Code are hereby repealed. 167

Section 3. This act is hereby declared to be an emergency 168

measure necessary for the immediate preservation of the public 169
peace, health, and safety. The reason for such necessity is to 170
protect the safety of Ohio's youth. Therefore, this act shall go 171
into immediate effect. 172