

**As Reported by the House Health and Aging Committee**

**130th General Assembly  
Regular Session  
2013-2014**

**Sub. H. B. No. 16**

**Representatives O'Brien, Hottinger**

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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 practice or competition. 53  
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(E)(1) If a student is removed from practice or competition under division (D) of this section, the coach or referee who removed the student shall not allow the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible. Thereafter, the coach or referee shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible until both of the following conditions are satisfied: 55  
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(a) The student's condition is assessed by either of the following: 65  
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(i) A physician; 67

(ii) Any other licensed health care provider the school district board of education or governing authority of the chartered or nonchartered nonpublic school, pursuant to division (E)(2) of this section, authorizes to assess a student who has been removed from practice or competition under division (D) of this section. 68  
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(b) The student receives written clearance that it is safe for the student to return to practice or competition from a physician or from another licensed health care provider authorized pursuant to division (E)(2) of this section to grant the clearance. 74  
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(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 79  
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accordance with one of the following, as applicable to the 84  
provider's authority to practice in this state: 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 90  
makes an assessment or grants a clearance for purposes of division 91  
(E)(1) of this section may be a volunteer. 92

(F) A school district board of education or governing 93  
authority of a chartered or nonchartered nonpublic school that is 94  
subject to the rules of an interscholastic conference or an 95  
organization that regulates interscholastic ~~conferences or~~ 96  
athletic competition and conducts interscholastic athletic events 97  
shall be considered to be in compliance with divisions (B), (D), 98  
and (E) of this section, as long as the requirements of those 99  
rules are substantially similar to the requirements of divisions 100  
(B), (D), and (E) of this section. 101

(G)(1) A school district, member of a school district board 102  
of education, or school district employee or volunteer, including 103  
a coach or referee, is not liable in damages in a civil action for 104  
injury, death, or loss to person or property allegedly arising 105  
from providing services or performing duties under this section, 106  
unless the act or omission constitutes willful or wanton 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