



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 16

130th General Assembly
(As Passed by the House)

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

BILL SUMMARY

- Revises a statutory cross reference to provide that youth sports organizations and their coaches, referees, and officials are not subject to criminal penalties for violating a law regarding concussions and head injuries in youth sports.
- Modifies certain references to organizations that regulate interscholastic athletics.
- Declares an emergency.

CONTENT AND OPERATION

The bill revises a statutory cross reference to provide that youth sports organizations, as well as any coach, referee, or official of such an organization, are not subject to criminal penalties for failure to comply with the law governing concussions and head injuries in youth sports, as enacted by Sub. H.B. 143 of the 129th General Assembly.

H.B. 143 and concussions in youth sports

H.B. 143 established certain requirements related to concussions and head injuries that occur during youth sports activities. The requirements apply to schools; youth sports organizations; the coaches, officials, and referees affiliated with schools or youth sports organizations; and the Ohio Department of Health (ODH).

Under H.B. 143, a youth sports organization is any entity that organizes an athletic activity in which (1) the athletes are not more than 19 years of age and (2) they

are required to pay a fee to participate or the cost to participate is sponsored by a business or nonprofit organization.¹ H.B. 143 included the following provisions, effective April 26, 2013, concerning concussions and youth sports organizations:

- Requires a youth sports organization to provide the concussion and head injury information sheet made available by ODH to the parent of an individual who wishes to practice for or compete in an athletic activity organized by the youth sports organization.²
- Requires each coach or referee for a youth sports organization to either have a pupil activity permit from the Department of Education or have successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries.³
- Requires a coach, referee, or official of a youth sports organization to remove from practice or competition an athlete who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury and prohibits the coach, referee, or official from allowing the athlete to return to competition that day.⁴
- Prohibits a coach, referee, or official of a youth sports organization from allowing a removed athlete to return to practice or competition until the athlete has been assessed and cleared for return by a physician or other licensed health care provider authorized by the youth sports organization.

Under H.B. 143, ODH must develop a concussion and head injury information sheet for participants in interscholastic athletics and youth sports. The sheet must include information on the signs, symptoms, and risks associated with a concussion or head injury and continued athletic activity.⁵ The sheet, along with links to free online concussion training programs, must be posted on ODH's web site.⁶ ODH has complied with these requirements, which took effect March 27, 2013.⁷

¹ R.C. 3707.51.

² R.C. 3707.511(B).

³ R.C. 3707.511(C).

⁴ R.C. 3707.511(D) and (E).

⁵ R.C. 3707.52(A).

⁶ R.C. 3707.52(A) and (B).

⁷ See <<http://www.healthyohioprogram.org/concussion.aspx>>.



Correction

The provisions of H.B. 143 relating to youth sports organizations and ODH are located in R.C. 3707.51, 3707.511, and 3707.52. These section numbers, which were available for use when H.B. 143 was being considered, fall within an inclusive statutory cross reference specified in a prohibition that existed prior to H.B. 143 and continues to exist.⁸ The prohibition states that "no person shall violate sections **3707.01 to 3707.53, inclusive**, of the Revised Code . . ." (emphasis added).⁹ Whoever violates this prohibition is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.¹⁰

The bill removes the provisions of H.B. 143 located in R.C. 3707.51, 3707.511, and 3707.52 from the scope of the prohibition described above. Accordingly, if a youth sports organization or its coach, referee, or official fails to comply with H.B. 143's requirements, there is no criminal penalty.

Provisions of H.B. 143 that apply to schools, and their coaches and referees, are not included in this bill, since the criminal penalties never applied to them.

Organizations that regulate interscholastic athletics

H.B. 143 requires that an individual who referees interscholastic athletics complete a training program in concussions and head injuries. One way that a referee can meet this requirement is by completing a training program authorized and required by an organization that regulates interscholastic conferences or events.¹¹ Additionally, H.B. 143 provides that a school board or other school governing authority that is subject to the rules of an organization that regulates interscholastic conferences or events is to be considered in compliance with that act's provisions, as long as the requirements of those rules are substantially similar to the act's requirements.¹²

In the provisions described above, the bill replaces references to "an organization that regulates interscholastic conferences or events." The bill refers instead to "an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events."

⁸ Former versions of R.C. 3707.51 and 3707.52 were repealed in 1974 and 1963, respectively. R.C. 3707.511 did not exist prior to H.B. 143.

⁹ R.C. 3707.48.

¹⁰ R.C. 3707.99.

¹¹ R.C. 3313.359(C) and 3319.303(C).

¹² R.C. 3313.359(F).



HISTORY

ACTION

DATE

Introduced

01-30-13

Reported, H. Health & Aging

03-06-13

Passed House (95-0)

03-13-13

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