



Ohio Legislative Service Commission

Bill Analysis

Elizabeth Molnar

Sub. H.B. 16

130th General Assembly
(As Reported by H. Health and Aging)

Reps. O'Brien, Hottinger

BILL SUMMARY

- Corrects a cross reference in the Revised Code to ensure that youth sports organizations and their coaches, referees, and officials are not subject to criminal penalties for violating Ohio's newly enacted law regarding concussions and head injuries in youth sports.
- Clarifies certain references to organizations that regulate interscholastic athletics.
- Declares an emergency.

CONTENT AND OPERATION

The bill corrects a cross reference in R.C. 3707.48 to clarify 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 a newly enacted law governing concussions and head injuries in youth sports. The bill also clarifies certain references to organizations that regulate interscholastic athletics.

Sub. H.B. 143 of the 129th General Assembly

Sub. H.B. 143 enacted certain requirements related to youth concussions and head injuries that 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).¹ Under the law, a youth sports organization is any entity that organizes an athletic activity in which (1) the athletes are not more than 19 years of

¹ The effective date for H.B. 143 is April 26, 2013. However, the provisions concerning ODH become effective on March 27, 2013; ODH has already made information required by the act available on its web site (<http://www.healthyohioprogram.org/concussion.aspx>).

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.²

H.B. 143 included the following requirements concerning concussions and youth sports organizations, which will take effect April 26, 2013:

- 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.³
- 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 last three years, a training program in recognizing the symptoms of concussions and head injuries.⁴
- 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.⁵
- 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.

H.B. 143 also requires that ODH, before March 27, 2013, develop a concussion and head injury information sheet for participants in interscholastic athletics and youth sports, which must include the signs, symptoms, and risks associated with a concussion or head injury.⁶ The sheet, along with links to free online concussion training programs, must be posted on the ODH web site.⁷ As described above, ODH has already complied with these requirements.

² R.C. 3707.51.

³ R.C. 3707.511(B).

⁴ R.C. 3707.511(C).

⁵ R.C. 3707.511(D) and (E).

⁶ R.C. 3707.52(A).

⁷ R.C. 3707.52(A) and 3707.52(B).



Technical correction

The penalty section of R.C. Chapter 3707. provides that whoever violates R.C. 3707.48 is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.⁸ R.C. 3707.48 states that "no person shall violate **sections 3707.01 to 3707.53, inclusive**, of the Revised Code . . ." (emphasis added). At the time H.B. 143 was drafted, the provisions relating to youth sports organizations and ODH were placed in open or vacant section numbers 3707.51, 3707.511, and 3707.52 of the Revised Code.⁹ This has the unintended consequence of subjecting youth sports organizations, and the coaches, referees, and officials of those organizations, to possible criminal penalties.

This bill addresses that error by removing sections 3707.51, 3707.511, and 3707.52 from the scope of R.C. 3707.48. Accordingly, under this bill, if a youth sports organization or its coach, referee, or official fails to comply with the requirements enacted in H.B. 143, there is no risk of criminal penalty.

Provisions of H.B. 143 that apply to schools, and their coaches and referees, are not included in this technical correction, 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.¹⁰ Additionally, H.B. 143 provides that a district 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 to be in compliance with that act's provisions, as long as the requirements of those rules are substantially similar to the act's requirements.¹¹ The bill refers instead to "an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events."

⁸ R.C. 3707.99.

⁹ R.C. 3707.51 was repealed in 1974, while R.C. 3707.52 was repealed in 1963. R.C. 3707.511 is a newly created section number.

¹⁰ R.C. 3313.359(C) and 3319.303(C).

¹¹ R.C. 3313.359(F).



HISTORY

ACTION

DATE

Introduced
Reported by H. Health & Aging

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