



# Ohio Legislative Service Commission

## Final Analysis

Elizabeth Molnar

### Am. S.B. 26

130th General Assembly  
(As Passed by the General Assembly)

**Sens.** Schaffer, Gardner, Brown, Tavares, Eklund, Hite, Jones, Kearney, Manning, Obhof, Oelslager, Peterson, Turner

**Reps.** Bishoff, Brown, Hottinger, Amstutz, Anielski, Antonio, Ashford, Barborak, Beck, Boose, Budish, Carney, Celebrezze, Cera, Curtin, Derickson, DeVitis, Dovilla, Grossman, Hackett, C. Hagan, Hayes, Henne, Johnson, Letson, Mallory, McClain, Milkovich, Perales, Pillich, Ruhl, Scherer, Schuring, Sears, Smith, Sprague, Stebelton, Stinziano, Winburn, Batchelder

**Effective date:** Emergency, May 28, 2013

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## ACT SUMMARY

- Provides 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 statutory descriptions of organizations that regulate interscholastic athletics.

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## CONTENT AND OPERATION

### H.B. 143 and concussions in youth sports

Sub. H.B. 143 of the 129th General Assembly established requirements related to providing information on concussions and head injuries that occur during youth sports activities and removing participants with those conditions from athletic practice or competition. The requirements that apply to schools and youth sports organizations and their coaches, officials, and referees became effective April 26, 2013. Effective 30 days before (March 27, 2013), the Ohio Department of Health (ODH) was required to post on its website a concussion and head injury information sheet, along with links to free training programs.

Under H.B. 143, a youth sports organization is any entity that organizes an athletic activity in which the athletes are not more than 19 years of age and (1) are required to pay a fee to participate or (2) have the cost of participating sponsored by a business or nonprofit organization.

### **Removal of criminal penalties**

H.B. 143's provisions relating to youth sports organizations and ODH are located in R.C. 3707.51, 3707.511, and 3707.52. These provisions fell within the scope of the following prohibition under preexisting law: "[n]o person shall violate [R.C.] 3707.01 to 3707.53 . . .".<sup>1</sup> Violation of the prohibition in its continuing form is a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense, either of which can result in criminal penalties.<sup>2</sup>

The act removes H.B. 143's provisions relating to youth sports organizations and ODH from the scope of the prohibition described above.<sup>3</sup> Accordingly, the revised prohibition and its accompanying criminal penalties are no longer applicable. Schools are not addressed by the act since there were no criminal penalties associated with failing to perform their H.B. 143 duties.

### **Organizations that regulate interscholastic athletics**

The act replaces references to "an organization that regulates interscholastic conferences or events" with "an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events" in H.B. 143's provisions that do the following: (1) allow an individual who referees interscholastic athletics to fulfill the requirement for training regarding concussions and head injuries by completing a training program authorized and required by such an organization and (2) deem a school board or other school governing authority subject to the rules of such an organization to be in compliance with H.B. 143 if the rules are substantially similar to H.B. 143's requirements.<sup>4</sup>

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<sup>1</sup> R.C. 3707.48.

<sup>2</sup> R.C. 3707.99, not in the act.

<sup>3</sup> R.C. 3707.48.

<sup>4</sup> R.C. 3313.359(C) and (F) and 3319.303(C).



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## HISTORY

ACTION	DATE
Introduced	02-12-13
Reported, S. Medicaid, Health & Human Services	03-12-13
Passed Senate (33-0)	03-13-13
Reported, H. Health & Aging	05-08-13
Passed House (98-0)	05-15-13
Senate concurred in House amendments (33-0)	05-22-13

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