



Ohio Legislative Service Commission

Bill Analysis

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S.B. 26

130th General Assembly

(As Reported by S. Medicaid, Health and Human Services)

Sens. Schaffer, Gardner, Brown, Tavares

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.
- 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 recently 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). Most of H.B. 143's provisions take effect April 26, 2013. The provisions requiring ODH to make concussion information available on its web site take effect March 27, 2013; ODH has already complied with those requirements.

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 requirements 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 information 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 As described above, ODH has already complied with these requirements.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 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). The provisions of H.B. 143 relating to youth sports organizations and ODH were placed in the following open or vacant section numbers: R.C. 3707.51, 3707.511, and 3707.52.⁹ These sections fall within the inclusive statutory cross reference specified in the prohibition section, R.C. 3707.48. As a result, youth sports organizations and the coaches, referees, and officials of those organizations are subject to possible criminal penalties.

The bill removes H.B. 143's provisions located in R.C. 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 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.

HISTORY

ACTION	DATE
Introduced	02-12-13
Reported, S. Medicaid, Health and Human Services	03-12-13

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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.

