



# Ohio Legislative Service Commission

## Bill Analysis

Laura Gengo

### H.B. 143

129th General Assembly  
(As Introduced)

**Reps.** Stinziano and O'Brien, Grossman, Mallory, Milkovich, Fende, R. Hagan, Foley, Clyde, Letson, Yuko, Reece, Combs, Murray, Garland, Antonio, Patmon, Henne

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## BILL SUMMARY

- Prohibits school authorities and youth sports organizations from allowing an individual who is a student or a participant in a youth sports organization to participate in or practice for certain athletic activities without first submitting a signed form stating that the individual and the individual's parent or guardian have received a concussion and head injury information sheet created by the Ohio Department of Health.
- Prohibits a school authority or youth sports organization from permitting an individual to coach certain athletic activities unless, in the case of a school, the individual holds a pupil-activity program permit to coach interscholastic athletics and training either in brain trauma and brain injury management or in recognizing and evaluating concussions and head injuries or, in the case of a youth sports organization, either the permit and training or just the training.
- Requires a coach or other official of a school or youth sports organization to remove an individual who is a student or a participant in a youth sports organization from a practice or competition if the individual is suspected of having sustained a concussion or head injury and thereafter prohibits a coach or official from permitting the individual to participate in a practice or competition until the individual has been assessed and cleared for return by a physician or athletic trainer.

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## CONTENT AND OPERATION

### Overview

The bill addresses concussions and head injuries in practices for and competition in (1) interscholastic athletics involving public schools, including community (charter)

and science, technology, engineering, and math (STEM) schools, and private schools, including both chartered and nonchartered nonpublic schools, and (2) athletic activities involving youth sports organizations. "Youth sports organization" is defined by the bill as a public or nonpublic entity that organizes an athletic activity in which the athletes are age 19 or younger and are required to pay a fee to participate in the athletic activity or whose cost to participate is sponsored by a business or nonprofit organization.<sup>1</sup>

The bill includes both prohibitions and requirements applicable to public and private elementary and secondary schools and to youth sports organizations. School authorities are prohibited from allowing a student to participate in or practice for interscholastic athletics and youth sports organizations are prohibited from allowing an individual to practice for or participate in an athletic activity until the student or individual has submitted a form verifying receipt of a concussion and head injury information sheet created by the Ohio Department of Health. School authorities and youth sports organizations are also prohibited from permitting an individual to coach interscholastic athletics or youth sports organization athletics unless the individual holds a pupil-activity program permit and has training either in brain trauma and brain injury management or in recognizing and evaluating concussions and head injuries. The bill requires a coach or other official to remove an individual who is a student or youth sports organization participant from practice or competition if the individual is suspected of having sustained a concussion or head injury during a practice or competition. The individual is not to be permitted to participate in practice or competition on the day of removal and cannot return to practice or competition until assessed and cleared by a physician or athletic trainer.

### **Concussion and head injury information sheet**

The bill prohibits a school district board of education, nonpublic school governing body, or youth sports organization from allowing an individual who is a student or a participant in a youth sports organization to participate in or practice for interscholastic athletics or youth sports organization athletics until the individual has submitted to a designated school official or the youth sports organization a form signed by a parent or guardian stating that the student or individual and the parent or guardian have received a concussion and head injury information sheet created by the Ohio Department of Health.<sup>2</sup>

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<sup>1</sup> R.C. 3707.51(A).

<sup>2</sup> R.C. 3313.538(A), 3314.03, 3326.11, and 3707.51(B).

## **Department of Health**

The bill requires the Department to create the information sheet for participants in interscholastic athletics and youth sports organizations and to make the information sheet available on its web site in a format suitable for easy downloading and printing. The Department must create the information sheet no later than 90 days after the bill's effective date.<sup>3</sup>

The Department must include in the concussion and head injury information sheet pertinent information to inform and educate coaches, athletes, and the parents or guardians of athletes of the signs and symptoms of concussion or head injury and the risks of continuing to engage in the practice or competition of a sport after sustaining a concussion or head injury. The Department is required to periodically review and update the information sheet.<sup>4</sup>

### **Link to free online training program**

The bill requires the Department of Health to provide a link on its web site to one or more free online training programs in recognizing and evaluating concussions and head injuries for coaches of schools and youth sports organizations.<sup>5</sup>

### **Pupil-activity program permit**

The bill prohibits school authorities from permitting an individual to coach interscholastic athletics unless the individual holds a pupil-activity program permit for coaching interscholastic athletics from the State Board of Education.<sup>6</sup> It prohibits a youth sports organization from permitting an individual to act as a coach unless the individual holds a pupil-activity program permit issued by the State Board of Education for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a free online training program in recognizing and evaluating concussions that is linked on the Department of Health's web site.<sup>7</sup>

Individuals applying for an initial pupil-activity program permit to coach interscholastic athletics on or after the bill's effective date are required to successfully

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<sup>3</sup> R.C. 3707.52(A).

<sup>4</sup> R.C. 3707.52(A).

<sup>5</sup> R.C. 3707.52(B).

<sup>6</sup> R.C. 3313.538(B), 3314.03, and 3326.11.

<sup>7</sup> R.C. 3707.51(C).

complete a training program that is specifically focused on brain trauma and brain injury management. Those applying for a permit renewal on or after the bill's effective date must present evidence of having successfully completed, within the previous three years, a free online training program in recognizing and evaluating concussions and head injuries for coaches of schools and youth sports organizations linked on the Department of Health's web site.<sup>8</sup>

## **Removal from practice or competition**

The bill requires a coach or other official of a school or youth sports organization to remove an individual who is a student or youth sports organization participant from practice or competition of an interscholastic sport or youth sports organization athletic event if the individual is suspected of having sustained a concussion or head injury during the practice or competition. The coach or official is prohibited from allowing the individual to return to the practice or competition on the day the individual is removed. Thereafter, to return to practice or competition, the individual must be assessed by a licensed physician or athletic trainer and receive written clearance from the physician or athletic trainer that it is safe for the individual to return.<sup>9</sup>

## **Liability**

The bill creates a new provision related to liability for damages from concussion or brain injury. It states that certain school and youth sports organization authorities and employees are not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from any act or omission in the assessment of a concussion or head injury of a student or an individual participating in a youth sports organization and the student's or individual's clearance to return to practice or competition. This provision extends to all of the following: (1) a school district, school district board of education member, or school district employee or volunteer, (2) a nonpublic school or nonpublic school officer, director, employee, or volunteer, (3) a community school, member of a community school governing authority, community school employee or volunteer, community school operator, or employee or volunteer of a community school operator, (4) a STEM school, member of a STEM school governing body, or STEM school employee or volunteer, and (5) a youth sports organization, or an official, employee, or volunteer of a youth sports organization.

The bill specifies that this provision does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be

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<sup>8</sup> R.C. 3319.303(C).

<sup>9</sup> R.C. 3313.538(C) and (D), 3314.03, 3326.11, and 3707.51(D) and (E).

entitled to under the law governing political subdivision tort liability (Chapter 3744. of the Revised Code) or any other provision of the Revised Code or under the common law of this state.<sup>10</sup>

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## HISTORY

| ACTION     | DATE     |
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| Introduced | 03-08-11 |

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<sup>10</sup> R.C. 3313.538(E), 3314.03, 3314.142, 3326.11, 3326.26, and 3707.51(F).

