An Act

ENROLLED SENATE
BILL NO. 1164

By: Griffin and Pittman of the Senate

and

Kirby of the House

An Act relating to sports-related injuries; amending 70 O.S. 2011, Section 24-155, which relates to concussions; providing definitions; directing State Department of Health to create certain section on its internet website; specifying contents; directing development of certain policies by certain entities for certain purposes; requiring annual distribution of certain information; requiring certain annual training; requiring removal of athletes under certain circumstances; prohibiting continuance of certain activities under certain circumstances; providing protection from liability for certain actions; directing establishment of penalties by governing boards; providing certain construction; directing promulgation of rules; and providing an effective date.

SUBJECT: Sports-related injuries

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-155, is amended to read as follows:

Section 24-155. A. <u>As defined in this act:</u>

1. "Athlete" means a secondary-school-age individual who is participating in a sport which is individual- and/or team-based, outside of school or within school and either competitive or in an organized practice; and

2. "Health care provider" means an individual who is registered, certified, licensed or otherwise recognized by the state to provide medical or psychological treatment and who is trained and experienced in the evaluation, management and care of concussions.

B. The State Department of Health shall create a concussion management section on its website to provide the guidelines necessary for each school district board of education and youth sports organization to develop their own policies and procedures pertaining to, but not limited to:

1. A concussion and head injury information sheet for game officials, team officials, athletes, parents or guardians and other persons having care or charge of athletes of the signs and symptoms of concussion or head injury and the risk of continuing to practice or compete in an athletic event or activity after sustaining a concussion or head injury;

2. "Return to Learn" guidelines for teachers and relevant school personnel pertaining to athletes who are returning to the classroom after sustaining a concussion or head injury;

3. "Graduated Stepwise Return to Athletic Participation" guidelines for team officials pertaining to athletes returning to practice or competition after a concussion or head injury; and

4. Links to one or more free online concussion training programs as provided by the Centers for Disease Control and Prevention (CDC), the National Federation of State High School Associations (NFHS) or a comparable program or resource.

The Department shall periodically review the guidelines and update it accordingly.

C. Each school district board of education and youth sports organization or association shall ~~work in cooperation with the Oklahoma Secondary School Activities Association to~~ develop ~~the~~

~~guidelines and other pertinent information and forms~~ policies and procedures pursuant to subsection B of this section to inform and educate their respective coaches, ~~youth~~ game officials, team officials, athletes~~,~~ and their parents or guardians of the nature and risk of concussion and head injury, including continuing to play after concussion or head injury. On an annual basis, ~~a concussion and head injury information sheet shall be completed and returned to the school district by the youth athlete and the athlete's parent or guardian prior to the youth athlete's participation in practice or competition~~ information regarding concussion and head injuries shall be disseminated to the athlete and his or her parent or guardian. Acknowledgment and understanding of the information shall be completed by the athlete and the athlete's parent or guardian and maintained by the school or the youth sports organization or association prior to the athlete's participation in practice or competition.

1. On an annual basis, game officials and team officials shall undergo concussion training provided by the CDC, the NFHS or a comparable program or resource. A record of completion of the training course shall be readily available upon request.

2. If any game official or team official responsible for the care and safety of an athlete in an athletic event becomes aware or suspects an athlete is exhibiting signs, symptoms or behaviors consistent with having sustained a concussion or head injury, he or she shall remove the athlete from the practice or competition.

3. If an athlete is removed from practice or competition as provided in paragraph 2 of this subsection, the athlete shall not, on the same day the athlete is removed, be permitted to return to that practice or competition or to participate in any other practice or competition, unless deemed eligible pursuant to the provisions of paragraph 4 of this subsection.

~~B. A youth athlete who is suspected of sustaining a concussion or head injury during a practice or game shall be removed from participation at that time.~~

~~C. A youth~~ 4. An athlete who has been removed from participation as provided in paragraph 2 of this subsection ~~B of this section~~ may not participate until the athlete is evaluated by a

~~licensed~~ health care provider ~~trained in the evaluation and management of concussion~~ and receives written clearance to return to participation from that health care provider. The health care provider may be a volunteer. A health care provider, game official or team official, whether volunteer ~~who authorizes a youth athlete to return to participation~~ or employee, shall not be liable for civil damages ~~resulting~~ for injury, death or loss to person or property allegedly arising from any act or omission in ~~the rendering of such care, other than~~ providing services or performing duties unless the acts or omissions constituting gross negligence or willful or wanton misconduct.

D. Respective governing boards shall establish the following minimum penalties for a violation of paragraph 2 of subsection C of this section for those individuals set forth in paragraph 1 of subsection C of this section:

1. First violation shall be additional concussion recognition and management education as predetermined by the governing board;

2. Second violation shall be suspension from the sport until appearance before the governing board; and

3. Monetary fines shall not be considered as a penalty.

E. The Department shall promulgate rules necessary to implement the provisions of this act.

SECTION 2. This act shall become effective November 1, 2016.

Passed the Senate the 23rd day of May, 2016.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2016.

Lee R. Denney
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 2016, at 4:10 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of June, 2016, at 3:56 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 2016, at 4:53 o'clock P. M.

By: Chris Benge