

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3561

By: Roe

COMMITTEE SUBSTITUTE

[schools - athlete concussions - registry -
effective date]

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-155, as
amended by Section 1, Chapter 375, O.S.L. 2016 (70 O.S. Supp. 2019,
Section 24-155), is amended to read as follows:

Section 24-155. A. As defined in this act:

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.

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

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

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

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

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

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

1 C. Each school district board of education and youth sports
2 organization or association shall develop policies and procedures
3 pursuant to subsection B of this section to inform and educate their
4 respective coaches, game officials, team officials, athletes and
5 their parents or guardians of the nature and risk of concussion and
6 head injury, including continuing to play after a concussion or head
7 injury. On an annual basis, information regarding ~~concussion~~
8 concussions and head injuries shall be disseminated to the athlete
9 and his or her parent or guardian. Acknowledgment and understanding
10 of the information shall be completed by the athlete and the
11 athlete's parent or guardian and maintained by the school or the
12 youth sports organization or association prior to the athlete's
13 participation in practice or competition.

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

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

23 3. If an athlete is removed from practice or competition as
24 provided in paragraph 2 of this subsection, the athlete shall not,

1 on the same day the athlete is removed, be permitted to return to
2 that practice or competition or to participate in any other practice
3 or competition, unless deemed eligible pursuant to the provisions of
4 paragraph 4 of this subsection.

5 4. An athlete who has been removed from participation as
6 provided in paragraph 2 of this subsection may not participate until
7 the athlete is evaluated by a health care provider and receives
8 written clearance to return to participation from that health care
9 provider. The health care provider may be a volunteer. A health
10 care provider, game official or team official, whether volunteer or
11 employee, shall not be liable for civil damages for injury, death or
12 loss to person or property allegedly arising from any act or
13 omission in providing services or performing duties unless the acts
14 or omissions ~~constituting~~ constitute gross negligence or willful or
15 wanton misconduct.

16 5. If an athlete is removed from practice or competition as
17 provided in paragraph 2 of this subsection, the game official or
18 team official shall enter the incident into the school athlete
19 concussion registry created pursuant to Section 2 of this act.

20 D. Respective governing boards shall establish the following
21 minimum penalties for a violation of paragraph 2 of subsection C of
22 this section for those individuals set forth in paragraph 1 of
23 subsection C of this section:
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1 1. First violation shall be additional concussion recognition
2 and management education as predetermined by the governing board;
3 and

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

6 ~~3. E.~~ Monetary fines shall not be considered as a penalty.

7 ~~E. F.~~ The Department shall promulgate rules necessary to
8 implement the provisions of this act.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 24-155A of Title 70, unless
11 there is created a duplication in numbering, reads as follows:

12 A. There is hereby created within the State Department of
13 Health a "school athlete concussion registry". The registry shall
14 include a statewide database of all reported concussions or
15 suspected concussions and deaths of athletes that occur during a
16 school practice or competition.

17 B. As used in this section, "athlete" shall have the same
18 meaning as provided in paragraph 1 of subsection A of Section 24-155
19 of Title 70 of the Oklahoma Statutes.

20 SECTION 3. This act shall become effective November 1, 2020.

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