

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3561

By: Roe, **Osburn** and **Lawson** of  
the House

and

**Simpson** of the Senate

11                               COMMITTEE SUBSTITUTE

12                   [ schools - athlete concussions - registry -  
13                   effective date ]

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

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

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

22           1. "Athlete" means a secondary-school-age individual who is  
23 participating in a sport which is individual- and/or team-based,  
24

1 outside of school or within school and either competitive or in an  
2 organized practice; and

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

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

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

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

21 3. "Graduated Stepwise Return to Athletic Participation"  
22 guidelines for team officials pertaining to athletes returning to  
23 practice or competition after a concussion or head injury; and  
24

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

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

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

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

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

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

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

23        5. If an athlete is removed from practice or competition as  
24 provided in paragraph 2 of this subsection, the game official or

1 team official shall enter the incident into the school athlete  
2 concussion registry created pursuant to Section 2 of this act.

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

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

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

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

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

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

18 A. There is hereby created within the State Department of  
19 Health a "school athlete concussion registry". The registry shall  
20 include a statewide database of all reported concussions or  
21 suspected concussions and deaths of athletes that occur during a  
22 school practice or competition.

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

4       SECTION 3. This act shall become effective November 1, 2020.  
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6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
7 02/20/2020 - DO PASS, As Amended and Coauthored.  
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