

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3561

By: Roe

AS INTRODUCED

An Act relating to schools; amending 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), which relates to school athlete concussions; requiring reports of school athlete concussions and deaths; creating the School Athlete Concussion and Sudden Death Review Board; providing for Board duties; defining term; providing for codification; and providing an 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

1 to provide medical or psychological treatment and who is trained and
2 experienced in the evaluation, management and care of concussions.

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

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

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

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

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

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

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

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

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

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

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

18 5. If an athlete is removed from practice or competition as
19 provided in paragraph 2 of this subsection or an athlete death
20 occurs during practice or competition, the game official or team
21 official shall make a report of the incident to the School Athlete
22 Concussion and Sudden Death Review Board created pursuant to Section
23 2 of this act.
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1 D. Respective governing boards shall establish the following
2 minimum penalties for a violation of paragraph 2 of subsection C of
3 this section for those individuals set forth in paragraph 1 of
4 subsection C of this section:

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

8 2. Second violation shall be suspension from the sport until
9 appearance before the governing board, ~~and~~.

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

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

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

16 A. There is hereby created within the State Department of
17 Health a "School Athlete Concussion and Sudden Death Review Board".
18 The Board shall create a statewide database of all reported
19 concussions or suspected concussions and deaths of athletes that
20 occur during a school practice or competition. The Board shall make
21 efforts to ascertain the cause of concussion or death and make
22 recommendations for preventable actions to school districts.

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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