

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Education

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Gretchen Engbring, Administrator**Meeting Dates:** 3/19, 3/31

WHAT THE MEASURE DOES: Permits coach to allow member of school athletic team or non-school athletic team to participate in athletic event or training after athletic trainer determines that member has not suffered concussion. Allows athletic trainer to consult with health care professional in making determination. Defines “health care professional.” Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of Max’s Law and Jenna’s Law
- Differing regulations for public and non-public school athletic teams
- Issues arising from laws that impact public school and non-public school athletes differently when public and non-public athletic teams compete

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: “Max’s Law” (ORS 336.485 and OAR 581-022-0421), passed by the Oregon Legislature in 2009, requires public school districts to implement concussion training and management guidelines for student athletes. The law built off of existing Oregon School Activities Association (OSAA) concussion policies. Senate Bill 721 or “Jenna’s Law” (ORS 418.875) was passed by the Oregon Legislature in 2013. The final language of SB 721 includes students participating at private schools as well as on club or non-school athletic teams. SB 721 additionally requires referees to assume responsibility for concussion evaluation during games.

The Oregon Department of Education has adopted OAR 581-022-0421(3) to implement Max’s Law, which allows a public school athletic trainer to return a player to the field after determining a concussion has not occurred. However, private schools are required to keep players off the field, even if it has been determined by a Health Care Professional that a concussion has not occurred. This discrepancy in regulation may arise when public school and private or club athletic teams compete.

Senate Bill 521 addresses this discrepancy by permitting coaches to allow members of school athletic teams or non-school athletic teams to participate in athletic events or trainings after an athletic trainer has determined that the member did not suffer a concussion.