

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/20/15

**Action:** Do Pass.

**Meeting Dates:** 05/20

**Vote:**

Yeas: 9 - Buehler, Clem, Greenlick, Hayden, Kennemer, Keny-Guyer, Lively, Nosse, Weidner

**Prepared By:** Sandy Thiele-Cirka, Committee Administrator

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**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:**

- Review of Max's and Jenna's Laws
- Need to be consistent between athletic programs
- Unintended consequences between language
- Differences between public and non-public schools

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

"Max's Law" (ORS 336.485), passed by the 2009 Legislative Assembly, 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. "Jenna's Law" (ORS 417.875) was passed by the 2013 Legislative Assembly. The final language of Jenna's Law includes students participating at private schools as well as on club or non-school athletic teams, and also requires referees to assume responsibility for concussion evaluation during games.

The Oregon Department of Education 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.