

Senate Bill 521

Sponsored by Senator STEINER HAYWARD, Representatives KENY-GUYER, DAVIS; Senators BEYER, GELSER, HASS, ROBLAN, Representatives BUCKLEY, HOYLE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits coach to allow member of school athletic team and nonschool athletic team to participate in athletic event or training at any time after athletic trainer determines that member has not suffered concussion. Allows athletic trainer to consult with health care professional in making determination whether member suffered concussion.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to concussions; amending ORS 336.485 and 417.875; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 336.485 is amended to read:

336.485. (1) As used in this section[,]:

(a) "Coach" means a person who instructs or trains members on a school athletic team, as identified by criteria established by the State Board of Education by rule.

(b) "**Health care professional**" means a **medical doctor, osteopathic physician, psychologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.**

(2)(a) Each school district shall ensure that coaches receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

(b) The board shall establish by rule:

(A) The requirements of the training described in paragraph (a) of this subsection, which shall be provided by using community resources to the extent practicable; and

(B) Timelines to ensure that, to the extent practicable, every coach receives the training described in paragraph (a) of this subsection before the beginning of the season for the school athletic team.

(3) **Except as provided in subsection (4) of this section:**

(a) A coach may not allow a member of a school athletic team to participate in any athletic event or training on the same day that the member:

(A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or

(B) Has been diagnosed with a concussion.

(b) A coach may allow a member of a school athletic team who is prohibited from participating in an athletic event or training, as described in paragraph (a) of this subsection, to participate in an athletic event or training no sooner than the day after the member experienced a blow to the head or body and only after the member:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

2 (B) Receives a medical release form from a health care professional.

3 **(4) A coach may allow a member of a school athletic team to participate in any athletic**
 4 **event or training at any time after an athletic trainer registered by the Board of Athletic**
 5 **Trainers determines that the member has not suffered a concussion. The athletic trainer**
 6 **may, but is not required to, consult with a health care professional in making the determi-**
 7 **nation that the member has not suffered a concussion.**

8 **SECTION 2.** ORS 417.875 is amended to read:

9 417.875. (1) As used in this section:

10 (a) “Coach” means a person who volunteers **for**, or is paid to instruct or train members of, a
 11 nonschool athletic team.

12 **(b) “Health care professional” means a medical doctor, osteopathic physician, psychol-**
 13 **ogist, physician assistant or nurse practitioner licensed or certified under the laws of this**
 14 **state.**

15 [(b)] (c) “League governing body” means a governing body that:

16 (A) Oversees an association of nonschool athletic teams that provide instruction or training for
 17 team members and that may compete with each other; and

18 (B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation estab-
 19 lished as provided by ORS chapter 65.

20 [(c)] (d) “Nonschool athletic team” means an athletic team that includes members who are under
 21 18 years of age and that is not affiliated with a public school in this state.

22 [(d)] (e) “Referee” means a person who volunteers or is paid to act as a referee, as an umpire
 23 or in a similar supervisory position for events involving nonschool athletic teams.

24 [(e)] (f) “Referee governing body” means a governing body that:

25 (A) Trains and certifies individuals to serve as referees for nonschool athletic team events; and

26 (B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation estab-
 27 lished as provided by ORS chapter 65.

28 (2)(a) Each league governing body and each referee governing body shall ensure that the
 29 coaches and the referees, respectively, receive annual training to learn how to recognize the symp-
 30 toms of a concussion and how to seek proper medical treatment for a person suspected of having a
 31 concussion.

32 (b) Each league governing body and each referee governing body shall adopt a policy that es-
 33 tablishes:

34 (A) The requirements of the training described in paragraph (a) of this subsection; and

35 (B) Procedures that ensure that every coach and referee receives the training described in par-
 36 agraph (a) of this subsection.

37 **(3) Except as provided in subsection (4) of this section:**

38 (a) A coach may not allow a member of a nonschool athletic team to participate in any athletic
 39 event or training on the same day that the member:

40 (A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed
 41 or suspected blow to the head or body; or

42 (B) Has been diagnosed with a concussion.

43 (b) A coach may allow a member of a nonschool athletic team who is prohibited from partic-
 44 ipating in an athletic event or training, as described in paragraph (a) of this subsection, to partic-
 45 ipate in an athletic event or training no sooner than the day after the member experienced a blow

1 to the head or body and only after the member:

2 (A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

3 (B) Receives a medical release form from a health care professional.

4 *[(4) A referee may not allow a member of a nonschool athletic team to participate in any athletic*
5 *event during which the member exhibited signs, symptoms or behaviors consistent with a concussion*
6 *following an observed or suspected blow to the head or body.]*

7 **(4) A coach may allow a member of a nonschool athletic team to participate in any ath-**
8 **letic event or training at any time after an athletic trainer registered by the Board of Ath-**
9 **letic Trainers determines that the member has not suffered a concussion. The athletic**
10 **trainer may, but is not required to, consult with a health care professional in making the**
11 **determination that the member has not suffered a concussion.**

12 (5) The league governing body shall develop or use existing guidelines and other relevant ma-
13 terials, and shall make available those guidelines and materials, to inform and educate persons un-
14 der 18 years of age desiring to be a member on a nonschool athletic team, the parents and legal
15 guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

16 (6) For each year of participation, and prior to a person under 18 years of age participating as
17 a member on a nonschool athletic team, at least one parent or legal guardian of the person must
18 acknowledge the receipt of the guidelines and materials described in subsection (5) of this section
19 and the review of those guidelines and materials by:

20 (a) The parent or legal guardian of the person; and

21 (b) If the person is 12 years of age or older, the person.

22 (7) A league governing body may hold an informational meeting prior to the start of any season
23 for each nonschool athletic team regarding the symptoms and warning signs of a concussion.

24 (8)(a) Any person who regularly serves as a coach or as a referee and who complies with the
25 provisions of this section is immune from civil or criminal liability related to a head injury unless
26 the person acted or failed to act because of gross negligence or willful or wanton misconduct.

27 (b) Nothing in this section shall be construed to affect the civil or criminal liability related to
28 a head injury of a person who does not regularly serve as a coach or a referee.

29 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
30 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
31 **on its passage.**

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