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# OHIO LEGISLATIVE SERVICE COMMISSION

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**H.B. 492\***  
**134<sup>th</sup> General Assembly**

## Occupational Regulation Report

[Click here for H.B. 492's Bill Analysis / Fiscal Note](#)

**Primary Sponsors:** Reps. Loychik and Pavliga

**Impacted Profession:** School athletic coaches

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.<sup>1</sup>

## LEAST RESTRICTIVE REGULATION COMPARISON

### Ohio's general regulatory policy

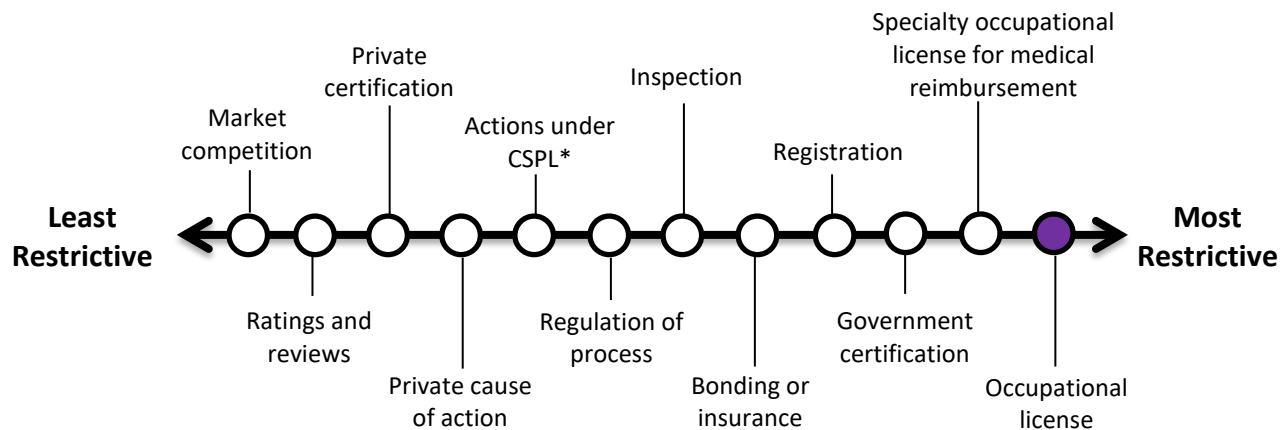
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."<sup>2</sup>

\* This report addresses the "As Introduced" version of H.B. 492. It does not account for changes that may have been adopted after the bill's introduction.

<sup>1</sup> R.C. 103.26, not in the bill.

<sup>2</sup> R.C. 4798.01 and 4798.02, neither in the bill.

The degree of “restrictiveness” of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state’s policy by least to most restrictive:



\*CSPL – The Consumer Sales Practices Law

The bill requires completion of a student mental health training course as a prerequisite to coaching an athletic activity that is subject to the rules of an interscholastic conference or an associated organization, i.e., the Ohio High School Athletic Association (OHSAA). For coaches at public and chartered nonpublic schools, the mental health training course is added as a component of the existing pupil-activity permit. Under continuing law, a pupil-activity permit is required for licensed educators coaching athletics and nonlicensed individuals coaching or supervising any student activity. Obtaining the permit requires training and certain personal qualifications, so it functions as an occupational license under the state’s policy. Accordingly, with respect to coaches at public and chartered nonpublic schools, the bill modifies an existing occupational license.

Coaches at nonchartered nonpublic schools are not required to obtain a pupil-activity permit, but are nonetheless subject to the bill’s mental health training requirement if the athletic activity is subject to OHSAA rules. Completion of the course serves as a nontransferable authorization to coach athletics and, therefore, in theory, serves as a new occupational license for those coaches. In practice, no nonchartered nonpublic schools are current OHSAA members.

## Necessity of regulations

Representative Mike Loychik, one of the bill’s sponsors, testified that the training requirement will help coaches identify students with mental health troubles and direct those students to professional help. He emphasized that coaches are in a good position to provide

assistance to such students because of the large amount of time spent together in practice and in games.<sup>3</sup>

Representative Gail Pavliga, the bill's other primary sponsor, asserted that additional training is needed to ensure that coaches have the necessary tools to guide students through an increasingly challenging time in life.<sup>4</sup>

## **Restrictiveness of regulations**

Licensure is the most restrictive of all regulatory options identified within the state's general policy on occupational regulations. Accordingly, the policy prescribes a narrow range of situations in which it is appropriate. Specifically, when all of the following circumstances are present: (1) the occupation involves providing a service regulated by both state and federal law, (2) the licensing framework allows individuals licensed in other states and territories to practice in Ohio, and (3) the licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.<sup>5</sup>

Ohio's current pupil-activity permit does not appear to satisfy any of the three criteria under which licensure is the preferred method of regulation. There is no federal regulatory framework for professional educators or school athletic coaches. Education-related licensing laws vary from state to state and lack uniformity.<sup>6</sup> There does not appear to be an allowance for reciprocity with respect to individuals licensed to coach athletics in other states.

The bill does not bring the pupil-activity permit into compliance with the state's general policy on occupational regulations, but it appears to result in only a slight increase in the restrictiveness of existing regulations. Permit holders are already required to complete training in brain trauma and brain injury management, recognition of the symptoms of concussions and head injuries, and sudden cardiac arrest. Depending on the characteristics of the course approved by the Department of Mental Health and Addiction Services, the bill's mental health training requirement could be worked into those existing training hours or require a modest increase in training time.

The bill does extend the training requirement to certain individuals who are currently permitted to coach without a license – i.e., coaches at nonchartered nonpublic schools. Notably, this extension applies only to bill's new mental health training requirement. No other training or

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<sup>3</sup> See, Representative Mike Loychik, [House Bill 492 Sponsor Testimony \(PDF\)](#), March 29, 2022, which is available on the General Assembly's website: [legislature.ohio.gov](http://legislature.ohio.gov), by searching for "HB 492" and looking under the Committee Activity tab.

<sup>4</sup> See, Representative Gail Pavliga, [House Bill 492 Sponsor Testimony \(PDF\)](#), March 29, 2022, which is available on the General Assembly's website: [legislature.ohio.gov](http://legislature.ohio.gov), by searching for "HB 492" and looking under the Committee Activity tab.

<sup>5</sup> R.C. 4798.02, not in the bill.

<sup>6</sup> See [Teacher Certification and Licensing Requirements by State](#), which is available on All Education Schools' website: [alleducationschools.com](http://alleducationschools.com).

qualifications associated with the pupil-activity permit are extended to such nonchartered nonpublic school coaches. Furthermore, the requirement does not apply to coaching an athletic activity outside of an interscholastic conference or associated organization.<sup>7</sup>

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## **IMPACT STATEMENT**

### **Opportunities for employment**

The bill adds an additional topic (mental health training) to the education requirement for an existing type of occupational license. Opportunities for employment for athletic coaches holding a coaching or pupil-activity permit are unlikely to be impacted significantly by the bill. As was mentioned previously, there are other education requirements that must be met by individuals who currently hold or seek to hold a coaching or pupil-activity permit. If the Department of Mental Health and Addiction Services determines that mental health education requirements can be integrated into education on other required subjects, such as the required training for brain injury management, there may be effectively no impact on the difficulty of obtaining or maintaining a coaching or pupil-activity permit. If education about mental health is required to be a separate training for individuals holding or seeking to hold one of these qualifications, there may be a small increase in the difficulty of obtaining or maintaining the qualifications. Even in this scenario, however, the legislation's impact on opportunities for employment for athletic coaches is expected to be minimal.

### **Consumer choice and market competition**

Since the legislation is unlikely to have significant impacts on the opportunities for employment for athletic coaches, consumer choice among athletic coaches is similarly not expected to be impacted significantly by the bill. Market competition among athletic coaches holding a coaching or pupil-activity permit is also expected to be minimally impacted by the bill. In the unlikely scenario the bill leads to there being significantly fewer licensed athletic coaches in the state, consumer choice and market competition may decrease due to this smaller pool of qualified athletic coaches.

### **Cost to government**

For information about costs to government, refer to [H.B. 492's fiscal note](#).

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## **SUMMARY OF PROPOSED REGULATIONS**

### **Mental health training for coaches**

The bill appears to extend the training requirement to certain individuals who are currently permitted to coach without a license – i.e., coaches at nonchartered nonpublic schools. However, since no nonchartered nonpublic schools are OHSAA members, the change does not increase regulatory restrictiveness for any active coaches at those schools.

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<sup>7</sup> R.C. 3319.303; O.A.C. 3301-27-01, not in the bill.

## COMPARISON TO OTHER STATES

All of the surrounding states require training as a prerequisite to coaching athletics in schools. West Virginia, Indiana, and Kentucky prescribe additional personal qualifications for coaches, such as requiring a criminal background check or that the individual be a licensed teacher. Only Ohio (under the bill) and Kentucky expressly require mental health training for coaches, though it is possible that mental health is addressed in the approved player safety training modules required by other surrounding states.

Ohio's training requirements for coaches are not the most or least restrictive among the surrounding states. It appears that the training regimen in Indiana, Kentucky, and West Virginia are more detailed than the course requirements in Ohio. Conversely, the training required in Michigan and Pennsylvania appears to be less vigorous. The following table addresses the training requirements for each of the surrounding states in more detail.

Training Required to Coach Athletics in Schools		
State	Training Requirements	Mental Health Component
Ohio	Must successfully complete an approved training course in: <ul style="list-style-type: none"> <li>▪ CPR;</li> <li>▪ Brain trauma and brain injury management;</li> <li>▪ Sudden cardiac arrest; and</li> <li>▪ First aid (<i>O.A.C. 3301-27-01</i>).</li> </ul>	Yes, under the bill ( <i>R.C. 3313.5317 and 3319.303</i> ).
Indiana	Must successfully complete an approved training course in: <ul style="list-style-type: none"> <li>▪ Player safety and concussion awareness;</li> <li>▪ Heat-related medical issues;</li> <li>▪ Equipment fitting and tackling technique (football only); and</li> <li>▪ Sudden cardiac arrest (<i>Ind. Code Ann. 20-34-7-6, 20-34-7-7, and 20-34-8-9</i>).</li> </ul>	No.

Training Required to Coach Athletics in Schools		
State	Training Requirements	Mental Health Component
Kentucky	<p>Must successfully complete an approved training course in:</p> <ul style="list-style-type: none"> <li>▪ Physical and emotional development of students (nonfaculty coaches only);</li> <li>▪ School district disciplinary policies and procedures (nonfaculty coaches only);</li> <li>▪ First-aid training (nonfaculty coaches only);</li> <li>▪ CPR;</li> <li>▪ Coaching education (nonfaculty coaches only);</li> <li>▪ Sports safety;</li> <li>▪ Rules clinic (<i>Ky. Rev. Stat. 161.185 and 160.445; 702 Ky. Admin. Regs. 7:065</i>).</li> </ul>	Yes (emotional development).
Michigan	<p>Must complete approved educational materials on the nature and risk of concussions (<i>Mich. Comp. Laws 333.9155</i>).</p>	No.
Pennsylvania	<p>Must complete the concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations, or another provider approved by the Pennsylvania Department of Health (<i>24 Pa. Cons. Stat. 5323(e)</i>).</p> <p>Must complete a sudden cardiac arrest training course offered by a provider approved by the Pennsylvania Department of Education (<i>24 Pa. Cons. Stat. 14-1425(d)</i>).</p>	No.

Training Required to Coach Athletics in Schools		
State	Training Requirements	Mental Health Component
West Virginia	<p>Must successfully complete approved training in:</p> <ul style="list-style-type: none"><li>▪ Sports science;</li><li>▪ First aid;</li><li>▪ Concussions;</li><li>▪ Sudden cardiac arrest;</li><li>▪ CPR; and</li><li>▪ Heat illness prevention (<i>W. Va. Code R. 126-136-11 and 127-3-6</i>).</li></ul>	No.