



# Ohio Legislative Service Commission

## Bill Analysis

Audra Tidball

### **Am. Sub. S.B. 252** 131st General Assembly (As Reported by H. Health and Aging)

**Sens.** Hite and Patton, Manning, Yuko, Eklund, Coley, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Faber, Gardner, Gentile, Hackett, Hottinger, Hughes, Jones, Jordan, LaRose, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Tavares, Thomas, Uecker

**Reps.** Bishoff, Brown, Ramos, Sprague

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## **BILL SUMMARY**

- Establishes specific provisions related to the monitoring of and response to symptoms of sudden cardiac arrest in athletic activities at most public and nonpublic schools and in athletic activities organized by youth sports organizations.
- Permits each school and each youth sports organization to hold an informational meeting, prior to the start of each athletic season, regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students or youth athletes.
- Prohibits a student or youth athlete from participating or being allowed to participate in an athletic activity in the following circumstances:
  - Until the student or athlete has submitted a signed form indicating review of the guidelines regarding sudden cardiac arrest developed by the Departments of Health and Education;
  - If the student's or athlete's biological parent, sibling, or child has previously experienced sudden cardiac arrest and the student or athlete has not been evaluated and cleared for participation by a physician;
  - If the student or athlete is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return in accordance with the bill's provisions;

--Until being cleared for return to participation by a physician or another specified health care provider after a coach, as required by the bill, has removed the student or athlete from participation for exhibiting syncope or fainting.

- Prohibits an individual from coaching an athletic activity unless the individual has completed, on an annual basis, a sudden cardiac arrest training course approved by the Department of Health and offered by an outside entity.
- Requires the Departments of Health and Education to jointly develop and post on their respective websites guidelines and other relevant materials to inform and educate students and youth athletes, their parents, and their coaches about sudden cardiac arrest.
- Specifies that the bill is to be known as "Lindsay's Law."

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## CONTENT AND OPERATION

### Sudden cardiac arrest in athletic activities

The bill establishes several prohibitions and requirements related to sudden cardiac arrest in athletic activities at most public and nonpublic schools and in athletic activities organized by youth sports organizations.

In the case of schools, the bill applies to (1) public schools, including schools operated by school districts,<sup>1</sup> community schools,<sup>2</sup> and science, technology, engineering, and mathematics (STEM) schools<sup>3</sup> and (2) any chartered or nonchartered nonpublic schools that are subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.<sup>4</sup> For these schools, "athletic activity" is defined by the bill as all of the following:

(1) Interscholastic athletics;

(2) An athletic contest or competition that is sponsored by or associated with a school, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;

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<sup>1</sup> R.C. 3313.5310(A)(1)(a).

<sup>2</sup> R.C. 3314.03(A)(11)(d).

<sup>3</sup> R.C. 3326.11.

<sup>4</sup> R.C. 3313.5310(A)(1)(b).



(3) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;

(4) Practices, interschool practices, and scrimmages for the activities described above.<sup>5</sup>

In the case of youth sports organizations, the bill applies to any public or nonpublic entity that organizes an athletic activity in which the athletes are not more than 19 years old and are required to pay a fee to participate in the athletic activity or whose cost to participate is sponsored by a business or nonprofit organization. Regarding youth athletes, the bill's provisions apply to any individual who wishes to practice for or compete in athletic activities organized by a youth sports organization.<sup>6</sup>

### **Informational meeting**

The bill permits each school and youth sports organization to hold an informational meeting, prior to the start of each athletic season, regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students or youth athletes. The bill specifies that the meeting is for students or youth athletes, parents, guardians, other persons having care or charge of a student or athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons.<sup>7</sup>

### **Form verifying receipt of sudden cardiac arrest guidelines**

The bill prohibits a student or youth athlete from participating in an athletic activity until the student or athlete has submitted to a designated school official or youth sports organization official a form signed by the student or athlete and the parent, guardian, or other person having care or charge of the student or athlete stating that they have received and reviewed a copy of the guidelines regarding sudden cardiac arrest. (See "**Guidelines regarding sudden cardiac arrest**," below.) A completed form must be submitted each school year, in the case of interscholastic athletics, or each year, in the case of athletic activities organized by youth sports organizations, for each athletic activity in which the student or athlete participates.<sup>8</sup> The bill does not specify who must create the form.

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<sup>5</sup> R.C. 3313.5310(A)(2).

<sup>6</sup> R.C. 3707.51, not in the bill, and 3707.58(A).

<sup>7</sup> R.C. 3313.5310(B) and 3707.58(B).

<sup>8</sup> R.C. 3313.5310(C) and 3707.58(C).



## **Training for coaches**

The bill prohibits an individual from coaching an athletic activity unless the individual has completed, on an annual basis, a sudden cardiac arrest training course approved by the Department of Health. For purposes of this training, the bill requires the Department to approve a course offered by an outside entity.<sup>9</sup>

## **Restrictions on participation in an athletic activity**

Under the bill, a student or youth athlete cannot be allowed to participate in an athletic activity until the student or athlete has been evaluated and cleared for the activity if either of the following is the case:

(1) The student's or athlete's biological parent, sibling, or child has previously experienced sudden cardiac arrest, and the student or athlete has not been evaluated and cleared for participation in an athletic activity by a physician.

(2) The student or athlete is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return by one of the health care providers listed in the bill.

Similarly, if a student or youth athlete is already participating in an athletic activity and exhibits syncope or fainting, the student or athlete must be removed from participation by the student's or athlete's coach. Again, the student or athlete may not return to the activity until evaluated and cleared for the activity.

The bill requires each school and each youth sports organization to establish penalties for a coach who violates the requirements described above.<sup>10</sup>

## **Return to participation in an athletic activity**

If a student or youth athlete is not allowed to participate in or is removed from participation in an athletic activity, the bill prohibits the student or athlete from being allowed to return to participation until the student or athlete is evaluated and cleared for return in writing as follows:

(1) In the case of schools, by any of the following: (a) a physician, including a cardiologist, (b) a certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife, (c) a physician assistant, or (d) an athletic trainer.

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<sup>9</sup> R.C. 3313.5310(D), 3707.58(D), and 3707.59(C).

<sup>10</sup> R.C. 3313.5310(E)(1) and (2) and (F) and 3707.58(E)(1) and (2) and (F).

(2) In the case of youth sports organizations, by any of the following: (a) a physician, including a cardiologist, or (b) a certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife.

The bill specifies that the listed health care providers may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation.<sup>11</sup>

### **Qualified immunity from liability**

The bill provides that certain school authorities, employees, and volunteers generally are not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties required by the bill. The bill's immunity from liability does not apply if the act or omission constitutes willful or wanton misconduct. Under the bill, the qualified immunity extends to all of the following:

(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach;

(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach;

(3) A community school, member of a community school governing authority, community school employee or volunteer, community school operator, or employee or volunteer of a community school operator, including a coach;

(4) A STEM school, member of a STEM school governing body, or STEM school employee or volunteer, including a coach.<sup>12</sup>

The bill also provides that a youth sports organization or official, employee, or volunteer of the organization, including a coach, generally is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties required by the bill. The immunity from liability does not apply if the act or omission constitutes willful or wanton misconduct.<sup>13</sup>

The bill specifies that its qualified immunity from liability does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or

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<sup>11</sup> R.C. 3313.5310(E)(3) and 3707.58(E)(3).

<sup>12</sup> R.C. 3313.5310(H), 3314.145(A), and 3326.29(A).

<sup>13</sup> R.C. 3707.58(G)(1).

public employee may be entitled to under the Political Subdivision Tort Liability Law or any other provision of the Revised Code or under the common law of Ohio.<sup>14</sup>

### **Collective bargaining unaffected**

The bill specifies that none of its provisions are to be construed to abridge or limit any rights provided under a public employees' collective bargaining agreement entered into prior to the bill's effective date.<sup>15</sup>

### **Guidelines regarding sudden cardiac arrest**

The bill requires the Departments of Health and Education to jointly develop and post on their respective websites guidelines and other relevant materials to inform and educate students and youth athletes participating in or desiring to participate in an athletic activity, their parents, and their coaches about the nature and warning signs of sudden cardiac arrest. These materials must address the risks associated with continuing to participate in an athletic activity after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate. The bill requires the Departments to consult with the Ohio Chapter of the American College of Cardiology and with an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events. The bill permits the Departments to utilize existing materials developed by the Parent Heart Watch Organization, the Sudden Arrhythmia Death Syndromes Foundation, and any other organizations deemed appropriate by the Departments in developing the guidelines and materials.<sup>16</sup>

### **Act designation**

The bill specifies that its provisions are to be known as "Lindsay's Law."<sup>17</sup>

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<sup>14</sup> R.C. 3313.5310(H)(1), 3314.145(B), 3326.29(B), and 3707.58(G)(2).

<sup>15</sup> R.C. 3313.5310(G).

<sup>16</sup> R.C. 3707.59(A) and (B).

<sup>17</sup> Section 3.



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## HISTORY

ACTION	DATE
Introduced	12-09-15
Reported, S. Education	04-20-16
Passed Senate (32-0)	04-27-16
Reported, H. Health & Aging	05-25-16

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