



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Audra Tidball

Am. Sub. S.B. 252 131st General Assembly (As Passed by the General Assembly)

- 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, Anielski, Antonio, Ashford, Baker, Barnes, Boyd, Howse, Kuhns, Leland, Manning, M. O'Brien, Rogers, Scherer, Sheehy, Slaby, Sweeney

Effective date: March 14, 2017

ACT SUMMARY

- Requires each student and youth athlete, before participating in an athletic activity, to submit a signed form indicating review of sudden cardiac arrest guidelines, which the Departments of Health and Education must develop jointly.
- Requires a student or youth athlete to be evaluated and cleared by specified health professionals before participation if (1) the student or athlete's biological parent, sibling, or child has experienced sudden cardiac arrest, or (2) the student or athlete is known to have exhibited syncope or fainting at any time before or following an athletic activity.
- Requires a coach to remove a student or youth athlete from participation if the student or athlete exhibits syncope or fainting, and prohibits the student or athlete from returning to participation until evaluated and cleared by a specified health professional.
- 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.
- Specifies that the act is to be known as "Lindsay's Law."

CONTENT AND OPERATION

Sudden cardiac arrest in athletic activities

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

In the case of schools, the act applies to (1) public schools, including schools operated by school districts,¹ community schools,² and science, technology, engineering, and mathematics (STEM) schools³ 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.⁴ For these schools, "athletic activity" includes 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;

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

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

In the case of youth sports organizations, the act 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 act's provisions apply to any individual who wishes to practice for or compete in athletic activities organized by a youth sports organization.⁶

¹ R.C. 3313.5310(A)(1)(a).

² R.C. 3314.03(A)(11)(d).

³ R.C. 3326.11.

⁴ R.C. 3313.5310(A)(1)(b).

⁵ R.C. 3313.5310(A)(2).

⁶ R.C. 3707.51, not in the act, and 3707.58(A).



Informational meeting

The act permits each school and youth sports organization to hold an informational meeting, before the start of each athletic season, regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students or youth athletes. It specifies that the meeting is for students or youth athletes, parents, guardians, other persons having care or charge of them, physicians, pediatric cardiologists, athletic trainers, and any other persons.⁷

Form verifying receipt of sudden cardiac arrest guidelines

The act 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.⁸

Training for coaches

The act 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 act requires the Department to approve a course offered by an outside entity.⁹

Restrictions on participation in an athletic activity

Under the act, 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.

⁷ R.C. 3313.5310(B) and 3707.58(B).

⁸ R.C. 3313.5310(C) and 3707.58(C).

⁹ R.C. 3313.5310(D), 3707.58(D), and 3707.59(C).



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

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.

Each school and each youth sports organization must establish penalties for a coach who violates these requirements.¹⁰

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 act 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 a physician, certified nurse practitioner, clinical nurse specialist, certified nurse-midwife, physician assistant, or athletic trainer.

(2) In the case of youth sports organizations, by a physician, a certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife.

The act 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.¹¹

Qualified immunity from liability

The act 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 act. The act's immunity from liability does not apply if the act or omission constitutes willful or wanton misconduct. Under the act, 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;

¹⁰ R.C. 3313.5310(E) and (F) and 3707.58(E) and (F).

¹¹ R.C. 3313.5310(E)(3) and 3707.58(E)(3).

(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.¹²

The act 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 act. The immunity from liability does not apply if the act or omission constitutes willful or wanton misconduct.¹³

The act 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 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.¹⁴

Collective bargaining unaffected

The act 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 before the act's effective date.¹⁵

Guidelines regarding sudden cardiac arrest

The act 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 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 Departments must consult with

¹² R.C. 3313.5310(H), 3314.145(A), and 3326.29(A).

¹³ R.C. 3707.58(G)(1).

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

¹⁵ R.C. 3313.5310(G).



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 act permits the Departments to use existing materials developed by the Parent Heart Watch Organization, the Sudden Arrhythmia Death Syndromes Foundation, and any other organizations deemed appropriate by the Departments.¹⁶

Act designation

The act specifies that its provisions are to be known as "Lindsay's Law."¹⁷

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
Passed House (89-4)	11-16-16
Senate concurred in House amendments (33-0)	11-29-16

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¹⁶ R.C. 3707.59(A) and (B).

¹⁷ Section 3.

