

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1164

6 By: Griffin and Pittman of the
7 Senate

8 and

9 Kirby of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to sports-related injuries; amending
12 70 O.S. 2011, Section 24-155, which relates to
13 concussions; providing definitions; directing State
14 Department of Health to create certain section on its
15 internet website; specifying contents; directing
16 development of certain policies by certain entities
17 for certain purposes; requiring annual distribution
18 of certain information; requiring certain annual
19 training; requiring removal of athletes under certain
20 circumstances; prohibiting continuance of certain
21 activities under certain circumstances; providing
22 protection from liability for certain actions;
23 directing establishment of penalties by governing
24 boards; providing certain construction; directing
promulgation of rules; and providing an effective
date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-155, is
amended to read as follows:

Section 24-155. A. As defined in this act:

1 1. "Athlete" means a secondary-school-age individual who is
2 participating in a sport which is individual- and/or team-based,
3 outside of school or within school and either competitive or in an
4 organized practice; and

5 2. "Health care provider" means an individual who is
6 registered, certified, licensed or otherwise recognized by the state
7 to provide medical or psychological treatment and who is trained and
8 experienced in the evaluation, management and care of concussions.

9 B. The State Department of Health shall create a concussion
10 management section on its website to provide the guidelines
11 necessary for each school district board of education and youth
12 sports organization to develop their own policies and procedures
13 pertaining to, but not limited to:

14 1. A concussion and head injury information sheet for game
15 officials, team officials, athletes, parents or guardians and other
16 persons having care or charge of athletes of the signs and symptoms
17 of concussion or head injury and the risk of continuing to practice
18 or compete in an athletic event or activity after sustaining a
19 concussion or head injury;

20 2. "Return to Learn" guidelines for teachers and relevant
21 school personnel pertaining to athletes who are returning to the
22 classroom after sustaining a concussion or head injury;

1 3. "Graduated Stepwise Return to Athletic Participation"
2 guidelines for team officials pertaining to athletes returning to
3 practice or competition after a concussion or head injury; and

4 4. Links to one or more free online concussion training
5 programs as provided by the Centers for Disease Control and
6 Prevention (CDC), the National Federation of State High School
7 Associations (NFHS) or a comparable program or resource.

8 The Department shall periodically review the guidelines and update
9 it accordingly.

10 C. Each school district board of education and youth sports
11 organization or association shall ~~work in cooperation with the~~
12 ~~Oklahoma Secondary School Activities Association to develop the~~
13 ~~guidelines and other pertinent information and forms~~ policies and
14 procedures pursuant to subsection B of this section to inform and
15 educate their respective coaches, youth game officials, team
16 officials, athletes, and their parents or guardians of the nature
17 and risk of concussion and head injury, including continuing to play
18 after concussion or head injury. On an annual basis, a concussion
19 and head injury information sheet shall be completed and returned to
20 the school district by the youth athlete and the athlete's parent or
21 guardian prior to the youth athlete's participation in practice or
22 competition information regarding concussion and head injuries shall
23 be disseminated to the athlete and his or her parent or guardian.
24 Acknowledgment and understanding of the information shall be

1 completed by the athlete and the athlete's parent or guardian and
2 maintained by the school or the youth sports organization or
3 association prior to the athlete's participation in practice or
4 competition.

5 1. On an annual basis, game officials and team officials shall
6 undergo concussion training provided by the CDC, the NFHS or a
7 comparable program or resource. A record of completion of the
8 training course shall be readily available upon request.

9 2. If any game official or team official responsible for the
10 care and safety of an athlete in an athletic event becomes aware or
11 suspects an athlete is exhibiting signs, symptoms or behaviors
12 consistent with having sustained a concussion or head injury, he or
13 she shall remove the athlete from the practice or competition.

14 3. If an athlete is removed from practice or competition as
15 provided in paragraph 2 of this subsection, the athlete shall not,
16 on the same day the athlete is removed, be permitted to return to
17 that practice or competition or to participate in any other practice
18 or competition, unless deemed eligible pursuant to the provisions of
19 paragraph 4 of this subsection.

20 ~~B. A youth athlete who is suspected of sustaining a concussion~~
21 ~~or head injury during a practice or game shall be removed from~~
22 ~~participation at that time.~~

23 ~~C. A youth~~ 4. An athlete who has been removed from
24 participation as provided in paragraph 2 of this subsection ~~B of~~

1 ~~this section~~ may not participate until the athlete is evaluated by a
2 ~~licensed health care provider trained in the evaluation and~~
3 ~~management of concussion~~ and receives written clearance to return to
4 participation from that health care provider. The health care
5 provider may be a volunteer. A health care provider, game official
6 or team official, whether volunteer who authorizes a youth athlete
7 to return to participation or employee, shall not be liable for
8 civil damages ~~resulting~~ for injury, death or loss to person or
9 property allegedly arising from any act or omission in ~~the rendering~~
10 ~~of such care, other than~~ providing services or performing duties
11 unless the acts or omissions constituting gross negligence or
12 willful or wanton misconduct.

13 D. Respective governing boards shall establish the following
14 minimum penalties for a violation of paragraph 2 of subsection C of
15 this section for those individuals set forth in paragraph 1 of
16 subsection C of this section:

17 1. First violation shall be additional concussion recognition
18 and management education as predetermined by the governing board;

19 2. Second violation shall be suspension from the sport until
20 appearance before the governing board; and

21 3. Monetary fines shall not be considered as a penalty.

22 E. The Department shall promulgate rules necessary to implement
23 the provisions of this act.

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SECTION 2. This act shall become effective November 1, 2016.

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