



# Ohio Legislative Service Commission

## Bill Analysis

Carol Napp

### Sub. S.B. 252

131st General Assembly  
(As Reported by S. Education)

**Sens.** Hite and Patton, Manning, Yuko, Eklund, Coley

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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 in an athletic activity 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.
- Prohibits an individual from coaching an athletic activity unless the individual has completed, within the previous three years, a sudden cardiac arrest training course approved by the Department of Health.
- Prohibits a student or youth athlete from being allowed to participate in an athletic activity 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.
- Prohibits a student or youth athlete from being allowed to participate in an athletic activity 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.

- Requires a student or youth athlete participating in an athletic activity to be removed from participation by the student's or athlete's coach if the student exhibits syncope or fainting.
- Prohibits a student from returning to participation until the student is evaluated and cleared for return in writing by a physician, a certified nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, a physician assistant, or an athletic trainer.
- Prohibits a youth athlete from returning to participation until the athlete is evaluated and cleared for return in writing by a physician, a certified nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, or a physician who specializes in cardiology.
- 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 and their parents and coaches about sudden cardiac arrest.
- Requires the Department of Health to approve a sudden cardiac arrest training course offered by an outside entity for purposes of the training required for a coach of an athletic activity at a school.
- Specifies that the bill will 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. For purposes of the bill, "athletic activity" means all of the following:

- (1) Interscholastic activities;
- (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; and

(4) Practices, interschool practices, and scrimmages for those activities.<sup>1</sup>

The bill's provisions apply to (1) public schools, including schools operated by school districts,<sup>2</sup> community schools,<sup>3</sup> and science, technology, engineering, and mathematics (STEM) schools,<sup>4</sup> (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>5</sup> and (3) "youth sports organizations."<sup>6</sup> Youth sports organizations are defined as public or nonpublic entities that organize athletic activities 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.<sup>7</sup>

### **Informational meeting**

The bill expressly permits (but apparently does not require) 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. It states that this 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>8</sup>

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

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

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<sup>1</sup> R.C. 3313.5310(A)(2).

<sup>2</sup> R.C. 3313.5310(A)(1)(a).

<sup>3</sup> R.C. 3314.03(A)(11)(d).

<sup>4</sup> R.C. 3326.11.

<sup>5</sup> R.C. 3313.5310(A)(1)(b).

<sup>6</sup> R.C. 3707.58.

<sup>7</sup> R.C. 3707.51, not in the bill.

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



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>9</sup> The bill does not state who must create this form.

### **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 (see "**Sudden cardiac arrest training course**," below).<sup>10</sup>

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

Under the bill, a student or youth athlete must not 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.

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 this requirement.<sup>11</sup>

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

#### **Athletic activities at schools**

If a student is not allowed to participate in or is removed from participation in an athletic activity, the bill prohibits the student from returning to participation until the student is evaluated and cleared for return in writing by any of the following:

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

<sup>10</sup> R.C. 3313.5310(D) and 3707.58(D).

<sup>11</sup> R.C. 3313.5310(E)(1) and (2) and (F) and 3707.58(E)(1) and (2) and (F).



(1) A physician licensed by the State Medical Board, expressly including a cardiologist;

(2) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority from the Ohio Board of Nursing who is working in collaboration with a physician;

(3) An Ohio licensed physician assistant who is working in collaboration with a physician; and

(4) An Ohio licensed athletic trainer who is working in collaboration with a physician.

These 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>12</sup>

#### **Athletic activities organized by youth sports organizations**

If a youth athlete is not allowed to participate in or is removed from participation in an athletic activity, the bill prohibits the athlete from returning to participation until the athlete is evaluated and cleared for return in writing by any of the following:

(1) A physician licensed by the State Medical Board;

(2) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority from the Ohio Board of Nursing; and

(3) An Ohio license physician who specializes in cardiology. It is not clear why the bill refers to cardiologists separately.

These providers may consult with any other licensed or certified health care providers in order to determine whether a youth athlete is ready to return to participation.<sup>13</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. However, that immunity does not apply if an authority's, employee's, or

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<sup>12</sup> R.C. 3313.5310(E)(3).

<sup>13</sup> R.C. 3707.58(E)(3).

volunteer's action or omission constitutes willful or wanton misconduct. This 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>14</sup>

The bill also provides that a youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach, 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, again unless the action or omission constitutes willful or wanton misconduct.<sup>15</sup>

Moreover, 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 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>16</sup>

### **Miscellaneous provisions**

The bill states that none of its provisions should 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>17</sup>

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<sup>14</sup> R.C. 3313.5310(H), 3314.145(A), and 3326.29(A).

<sup>15</sup> R.C. 3707.58(G)(1).

<sup>16</sup> R.C. 3313.5310(H)(1), 3314.145(B), 3326.29(B), and 3707.58(G)(2).

<sup>17</sup> R.C. 3313.5310(G).

## 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 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 event 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>18</sup>

## Sudden cardiac arrest training course

The bill requires the Department of Health to approve a sudden cardiac arrest training course offered by an outside entity for purposes of the training required for the coach of an athletic activity.<sup>19</sup>

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## HISTORY

ACTION	DATE
Introduced	12-09-15
Reported, S. Education	04-20-16

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<sup>18</sup> R.C. 3707.59(A) and (B).

<sup>19</sup> R.C. 3707.59(C).

