

# House Bill 2390

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for Oregon Chiropractic Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows chiropractic physicians and naturopathic physicians to provide release for athlete who sustained concussion or is suspected of sustaining concussion.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to concussions sustained by athletes; amending ORS 336.485 and 417.875; and declaring an  
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.485 is amended to read:

6 336.485. (1) As used in this section:

7 (a) "Coach" means a person who instructs or trains members on a school athletic team, as  
8 identified by criteria established by the State Board of Education by rule.

9 (b) "Health care professional" means a medical doctor, osteopathic physician, **chiropractic**  
10 **physician, naturopathic physician,** psychologist, physician assistant or nurse practitioner licensed  
11 or certified under the laws of this state.

12 (2)(a) Each school district shall ensure that coaches receive annual training to learn how to  
13 recognize the symptoms of a concussion and how to seek proper medical treatment for a person  
14 suspected of having a concussion.

15 (b) The board shall establish by rule:

16 (A) The requirements of the training described in paragraph (a) of this subsection, which shall  
17 be provided by using community resources to the extent practicable; and

18 (B) Timelines to ensure that, to the extent practicable, every coach receives the training de-  
19 scribed in paragraph (a) of this subsection before the beginning of the season for the school athletic  
20 team.

21 (3) Except as provided in subsection (4) of this section:

22 (a) A coach may not allow a member of a school athletic team to participate in any athletic  
23 event or training on the same day that the member:

24 (A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed  
25 or suspected blow to the head or body; or

26 (B) Has been diagnosed with a concussion.

27 (b) A coach may allow a member of a school athletic team who is prohibited from participating  
28 in an athletic event or training, as described in paragraph (a) of this subsection, to participate in  
29 an athletic event or training no sooner than the day after the member experienced a blow to the  
30 head or body and only after the member:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

2 (B) Receives a medical release form from a health care professional.

3 (4) A coach may allow a member of a school athletic team to participate in any athletic event  
4 or training at any time after an athletic trainer registered by the Board of Athletic Trainers deter-  
5 mines that the member has not suffered a concussion. The athletic trainer may, but is not required  
6 to, consult with a health care professional in making the determination that the member has not  
7 suffered a concussion.

8 **SECTION 2.** ORS 417.875 is amended to read:

9 417.875. (1) As used in this section:

10 (a) "Coach" means a person who volunteers for, or is paid to instruct or train members of, a  
11 nonschool athletic team.

12 (b) "Health care professional" means a medical doctor, osteopathic physician, **chiropractic**  
13 **physician, naturopathic physician,** psychologist, physician assistant or nurse practitioner licensed  
14 or certified under the laws of this state.

15 (c) "League governing body" means a governing body that:

16 (A) Oversees an association of nonschool athletic teams that provide instruction or training for  
17 team members and that may compete with each other; and

18 (B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation estab-  
19 lished as provided by ORS chapter 65.

20 (d) "Nonschool athletic team" means an athletic team that includes members who are under 18  
21 years of age and that is not affiliated with a public school in this state.

22 (e) "Referee" means a person who volunteers or is paid to act as a referee, as an umpire or in  
23 a similar supervisory position for events involving nonschool athletic teams.

24 (f) "Referee governing body" means a governing body that:

25 (A) Trains and certifies individuals to serve as referees for nonschool athletic team events; and

26 (B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation estab-  
27 lished as provided by ORS chapter 65.

28 (2)(a) Each league governing body and each referee governing body shall ensure that the  
29 coaches and the referees, respectively, receive annual training to learn how to recognize the symp-  
30 toms of a concussion and how to seek proper medical treatment for a person suspected of having a  
31 concussion.

32 (b) Each league governing body and each referee governing body shall adopt a policy that es-  
33 tablishes:

34 (A) The requirements of the training described in paragraph (a) of this subsection; and

35 (B) Procedures that ensure that every coach and referee receives the training described in par-  
36 agraph (a) of this subsection.

37 (3) Except as provided in subsection (4) of this section:

38 (a) A coach may not allow a member of a nonschool athletic team to participate in any athletic  
39 event or training on the same day that the member:

40 (A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed  
41 or suspected blow to the head or body; or

42 (B) Has been diagnosed with a concussion.

43 (b) A coach may allow a member of a nonschool athletic team who is prohibited from partic-  
44 ipating in an athletic event or training, as described in paragraph (a) of this subsection, to partic-  
45 ipate in an athletic event or training no sooner than the day after the member experienced a blow

1 to the head or body and only after the member:

2 (A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

3 (B) Receives a medical release form from a health care professional.

4 (4) A coach may allow a member of a nonschool athletic team to participate in any athletic  
5 event or training at any time after an athletic trainer registered by the Board of Athletic Trainers  
6 determines that the member has not suffered a concussion. The athletic trainer may, but is not re-  
7 quired to, consult with a health care professional in making the determination that the member has  
8 not suffered a concussion.

9 (5) The league governing body shall develop or use existing guidelines and other relevant ma-  
10 terials, and shall make available those guidelines and materials, to inform and educate persons un-  
11 der 18 years of age desiring to be a member on a nonschool athletic team, the parents and legal  
12 guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

13 (6) For each year of participation, and prior to a person under 18 years of age participating as  
14 a member on a nonschool athletic team, at least one parent or legal guardian of the person must  
15 acknowledge the receipt of the guidelines and materials described in subsection (5) of this section  
16 and the review of those guidelines and materials by:

17 (a) The parent or legal guardian of the person; and

18 (b) If the person is 12 years of age or older, the person.

19 (7) A league governing body may hold an informational meeting prior to the start of any season  
20 for each nonschool athletic team regarding the symptoms and warning signs of a concussion.

21 (8)(a) Any person who regularly serves as a coach or as a referee and who complies with the  
22 provisions of this section is immune from civil or criminal liability related to a head injury unless  
23 the person acted or failed to act because of gross negligence or willful or wanton misconduct.

24 (b) Nothing in this section shall be construed to affect the civil or criminal liability related to  
25 a head injury of a person who does not regularly serve as a coach or a referee.

26 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
28 **on its passage.**

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